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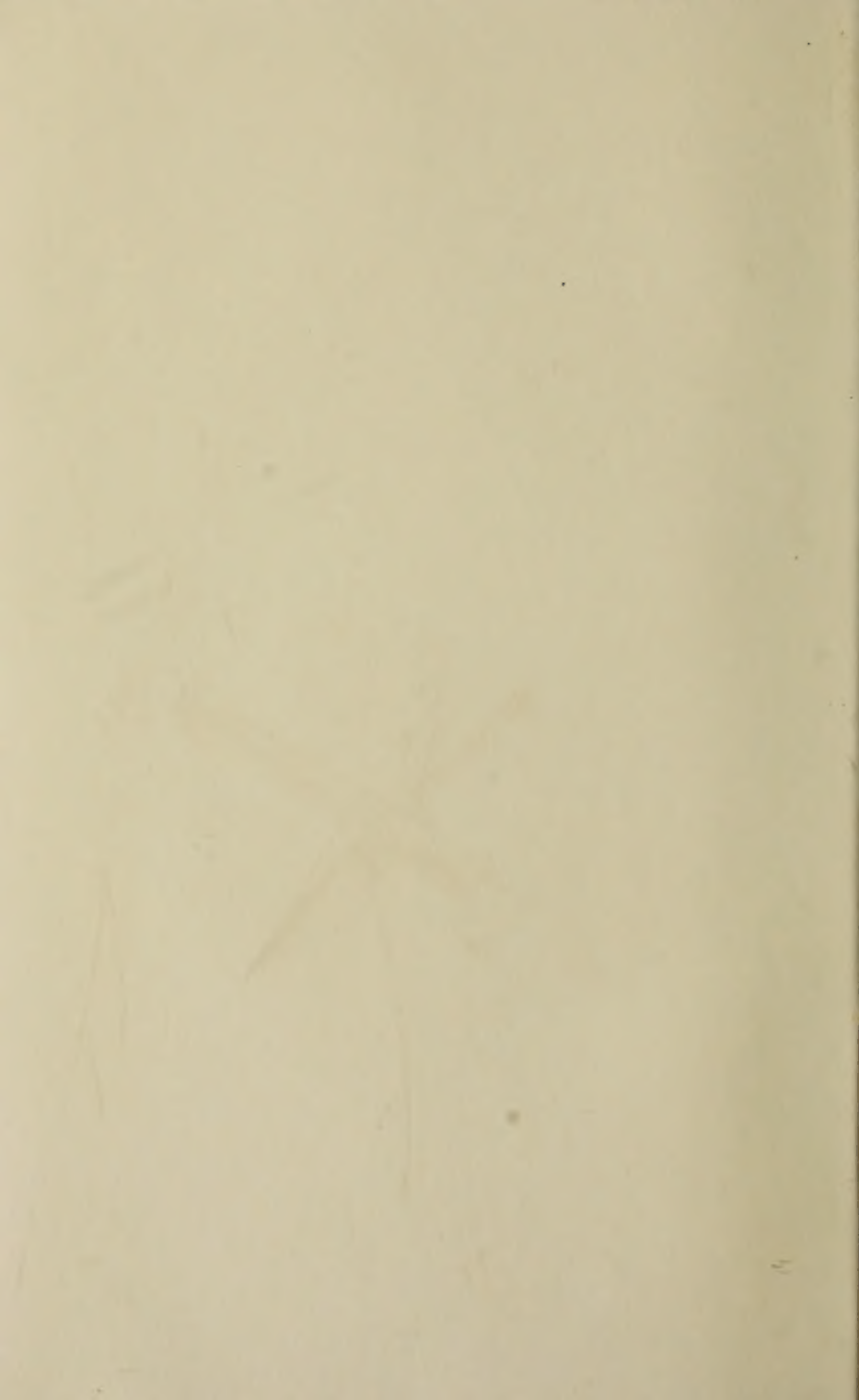
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THE  
JOURNAL OF THE SENATE

DURING THE  
TWENTY-SEVENTH SESSION

OF THE  
LEGISLATURE OF THE STATE OF CALIFORNIA,

1887.

BEGAN ON MONDAY, JANUARY THIRD, AND ENDED ON SATURDAY,  
MARCH TWELFTH, EIGHTEEN HUNDRED AND EIGHTY-SEVEN.



SACRAMENTO:

STATE OFFICE : : : : P. L. SHOAF, SUPT. STATE PRINTING.

1887.

# JOURNAL OF THE SENATE

OF THE STATE OF NEW YORK

FOR THE YEAR 1850

ALBANY: PUBLISHED BY J. B. LEECH, AT THE SENATE CHAMBER.  
1850.





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JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

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JOURNAL

PROCEEDINGS OF THE STATE



# CALIFORNIA LEGISLATURE—SENATE.

## TWENTY-SEVENTH SESSION.

### IN SENATE.

SENATE CHAMBER,  
Monday, January 3, 1887. }

The Senate met at twelve o'clock M., pursuant to the requirements of the Constitution of the State of California.

The Hon. John Daggett, President of the Senate, presided, and announced that "this being the time designated in the Constitution for the meeting of the Legislature, the Senate will come to order. The Secretary will call the roll of Senators returned by the Secretary of State as elected."

### ROLL CALL.

The Secretary then called the roll of the Senators elect, and all the Senators responded, with the exception of Hon. J. D. Byrnes and Hon. L. J. Rose.

*First District*—Humboldt and Del Norte: Hon. Jno. P. Haynes.  
*Second District*—Trinity, Siskiyou, and Shasta: Hon. J. M. Briceland.  
*Third District*—Modoc, Lassen, Plumas, and Sierra: Hon. W. H. Patterson.  
*Fourth District*—Butte: Hon. Albert F. Jones.  
*Fifth District*—Nevada: Hon. A. Walrath.  
*Sixth District*—Mendocino and Lake: Hon. A. Yell.  
*Seventh District*—Placer and El Dorado: Hon. A. P. Hall.  
*Eighth District*—Colusa and Tehama: Hon. John Boggs.  
*Ninth District*—Yolo and Napa: Hon. H. C. Gesford.  
*Tenth District*—Sonoma: Hon. E. C. Hinshaw.  
*Eleventh District*—Solano: Hon. James McUdden.  
*Twelfth District*—Yuba and Sutter: Hon. A. L. Chandler.  
*Thirteenth District*—Sacramento: Hon. F. R. Dray.  
*Fourteenth District*—Amador and Calaveras: Hon. A. Caminetti.  
*Fifteenth District*—Marin and Contra Costa: Hon. J. P. Abbott.  
*Sixteenth District*—Alameda: Hon. F. J. Moffitt.  
*Seventeenth District*—Alameda: Hon. Henry Vrooman.  
*Eighteenth District*—Alameda: Hon. M. W. Dixon.  
*Nineteenth District*—San Francisco: Hon. Jno. Lenahan.  
*Twentieth District*—San Francisco: Hon. Thos. J. Pinder.  
*Twenty-first District*—San Francisco: Hon. J. J. Sullivan.  
*Twenty-second District*—San Francisco: Hon. J. N. E. Wilson.  
*Twenty-third District*—San Francisco: Hon. P. J. Crimmins.  
*Twenty-fourth District*—San Francisco: Hon. P. J. Murphy.  
*Twenty-fifth District*—San Francisco: Hon. D. J. McCarthy.  
*Twenty-sixth District*—San Francisco: Hon. Thos. H. McDonald.  
*Twenty-seventh District*—San Francisco: Hon. T. J. Clunie.  
*Twenty-eighth District*—San Francisco: Hon. John Spellacy.  
*Twenty-ninth District*—San Joaquin: Hon. Ben. F. Langford.  
*Thirtieth District*—Merced, Stanislaus, and Tuolumne: Hon. A. J. Meany.  
*Thirty-first District*—Santa Clara: Hon. A. W. Crandall.

*Thirty-second District*—Santa Clara: Hon. E. B. Conklin.

*Thirty-third District*—San Mateo and Santa Cruz: Hon. J. D. Byrnes.

*Thirty-fourth District*—Alpine, Mariposa, Mono, and Fresno: Hon. George G. Goucher.

*Thirty-fifth District*—Monterey and San Benito: Hon. B. V. Sargent.

*Thirty-sixth District*—Tulare and Kern: Hon. John Roth.

*Thirty-seventh District*—San Luis Obispo, Santa Barbara, and Ventura: Hon. George Steele.

*Thirty-eighth District*—Los Angeles: Hon. S. M. White.

*Thirty-ninth District*—Los Angeles: Hon. L. J. Rose.

*Fortieth District*—San Bernardino and San Diego: Hon. W. W. Bowers.

#### OATH OF OFFICE.

The Senators elect now took and subscribed to the oath of office, administered by the President, as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator to the best of my ability.

#### TEMPORARY OFFICERS.

The President then announced the following as temporary officers, except as to those provided by law:

*Pages*—Willie Jobson, Bushnell Hughston, Harry Nottingham, and J. Toomey.

*Gatekeepers*—Joseph Wagner and F. Lacey.

*GALLERY PORTER*—Hank Jones.

*Floor Porter*—J. H. S. Farrell.

*Watchman*—Daniel Coughlan.

*Postmistress*—Mrs. Russell.

*Rear Porter*—G. Hadelstone.

#### RULES.

Mr. Moffitt moved that the rules of the last Senate be adopted, with the exception of rule seventeen, as far as they apply to a temporary organization of the Senate, and offered a substitute for rule seventeen.

Mr. Vrooman asked to have the motion divided.

So ordered.

Ayes and noes demanded on the adoption of the motion by Senators Vrooman, Walrath, and Dray.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, White, and Yell—25.

NOES—Messrs. Abbott, Bowers, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson—13.

Mr. Moffitt moved the adoption of a new rule, to be known as rule seventeen, as follows:

#### RULE XVII.—COMMITTEES ELECTED BY THE SENATE, UNLESS OTHERWISE ORDERED.

All committees of the Senate, standing and special, and all joint committees on the part thereof, shall be elected by the Senate, unless otherwise specially ordered.

Ayes and noes demanded by Senators Vrooman, Walrath, and Dray.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, White, and Yell—25.

NOES—Messrs. Abbott, Bowers, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson—13.

Mr. Clunie moved to reconsider the vote whereby the substitute was adopted.

So ordered.

Hon. L. J. Rose came forward and took and subscribed to the oath of office.

Mr. Moffitt moved to reconsider the rules as adopted for temporary organization.

So ordered.

Mr. Moffitt moved the following be adopted as the rules of this session, so far as they apply to a temporary organization of the Senate:

## STANDING RULES OF THE SENATE.

### I.—OPENING OF THE DAILY SESSIONS.

The time of meeting of the Senate shall be eleven o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock and thirty minutes to two P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock and thirty minutes P. M.

### II.—CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

### III.—PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

### IV.—ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county or of any county in the State.

### V.—ORDER OF BUSINESS.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Introduction of Bills.
7. Special File.
8. Third Reading of Bills.
9. Second Reading of Bills.
10. Motions, Resolutions, and Notices.
11. First Reading of Bills.
12. Unfinished Business of the preceding day.
13. Special Orders of the day.
14. Reports from the Committee on Enrollment and on Engrossment shall at all times be in order; *provided*, that the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

## VI.—INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized, shall present the same, and the title shall be announced from the Secretary's desk, when it shall be referred to a standing committee, and be printed, and a copy be placed on each member's desk. Every bill shall be read on three several days previous to its passage, unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision, and the last reading shall be at length. The President shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the Senate has so determined by a vote.

## VII.—THE GENERAL FILE; ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day from two o'clock until three o'clock and thirty minutes p. m., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

## VIII.—ORDER MAKING SPECIAL FILE.

The Secretary shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State Government and State institutions, revenue, and constitutional amendments, in the order named, and in the order in which the same may be reported to the Senate, and he shall place no other bills thereon.

## IX.—SECRETARY TO POST GENERAL FILE DAILY.

The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the general file, giving their order, and also setting forth their number, and so much of their title as necessary to enable the Senators to understand their general purport.

## X.—BILLS ENGROSSED TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

## XI.—ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on the file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

## XII.—AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and, when adopted, shall take the place of the original bill or resolution, and shall be open to amendment.

## XIII.—AMENDMENTS AND SUBSTITUTES MUST BE GERMANE.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

## XIV.—LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

## XV.—SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.



## XVI.—STANDING COMMITTEES.

The following Standing Committees shall be appointed:

1. Committee on Agriculture, to consist of nine members.
2. Committee on Claims, to consist of seven members.
3. Committee on Commerce and Navigation, to consist of five members.
4. Committee on Attachés, Contingent Expenses, and Mileage, to consist of five members.
5. Committee on Corporations, to consist of nine members.
6. Committee on Counties, County Governments, and Township Organization, to consist of seven members.
7. Committee on Education, to consist of seven members.
8. Committee on Engrossed Bills, to consist of six members.
9. Committee on Enrolled Bills, to consist of six members.
10. Committee on Federal Relations, to consist of five members.
11. Committee on Finance, to consist of seven members.
12. Committee on Hospitals, to consist of five members.
13. Committee on Judiciary, to consist of fifteen members.
14. Committee on Military Affairs, to consist of seven members.
15. Committee on Mines, Drainage, and Mining Debris, to consist of seven members.
16. Committee on Public Buildings other than Prison Buildings, to consist of seven members.
17. Committee on Public and Swamp and Overflowed Lands, to consist of five members.
18. Committee on Public Morals, to consist of three members.
19. Committee on Public Printing, to consist of three members.
20. Committee on Roads and Highways, to consist of seven members.
21. Committee on State Library, to consist of three members.
22. Committee on State Prison and Prison Buildings, to consist of nine members.
23. Committee on Irrigation and Water Rights, to consist of nine members.
24. Committee on Fish and Game, to consist of five members.
25. Committee on Elections, to consist of seven members.
26. Committee on City, City and County, and Town Governments, to consist of seven members.
27. Committee on Labor and Capital, to consist of five members.
28. Committee on Chinese and Chinese Immigration, to consist of seven members.
29. Committee on Apportionment and Representation, to consist of nine members.
30. Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, to consist of five members.
31. Committee on Immigration other than Chinese Immigration, to consist of seven members.
32. Committee on Viniculture and Viticulture, to consist of five members.

## XVII.—COMMITTEES ELECTED BY THE SENATE.

All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be elected by the Senate, unless otherwise specially ordered.

## XVIII.—COMMITTEES TO OBTAIN CONSENT OF SENATE FOR OFFICERS.

No committee, standing or special, shall elect a Clerk or Sergeant-at-Arms, without first obtaining the consent of the Senate.

## XIX.—ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

## XX.—CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses. This rule has no application to the election of attachés of the Senate.

## XXI.—ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions—which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.



## XXII.—MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

## XXIII.—READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

## XXIV.—SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

## XXV.—THE SENATOR ENTITLED TO FLOOR.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

## XXVI.—SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

## XXVII.—FINAL QUESTION ON SECOND READING OF BILLS—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

## XXVIII.—AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

## XXIX.—NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

## XXX.—SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

## XXXI.—TITLES OF BILLS MUST BE IN JOURNAL.

The title of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

XXXII.—WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL—VOTES ALWAYS ENTERED.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted in the Journal.

XXXIII.—RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

XXXIV.—CASES NOT PROVIDED FOR, CUSHING TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

XXXV.—SUSPENDING AND CHANGING RULES.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators present, except that portion of Rule VI relating to the final passage of bills; all proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

XXXVI.—POWERS AND PREROGATIVES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

XXXVII.—PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

XXXVIII.—PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

XXXIX.—SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

XL.—MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are being called, or while the ballots are being counted.

XLI.—DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, members of the Assembly, State officers, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

## XLII.—EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

## XLIII.—PRINTING.

Three hundred and sixty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper printed by order of the Senate shall be delivered to each Senator, and six copies to the committee to whom such bill is referred, and the balance shall be distributed according to law.

## XLIV.—NUMBER OF COPIES TO BE PRINTED.

Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

## XLV.—SECRET SESSION.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the Senators, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined by order of the Senate.

## XLVI.—ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed, in the order of their receipt, by said Engrossing Clerk; and all Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

## XLVII.—PRINTING THE DAILY JOURNAL.

The Superintendent of State Printing shall print a sufficient number of copies of the Journal of every day's proceedings of the Senate, to supply Senators, daily, during the session, with the Journal of the previous day's proceedings; and, also, a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate required by law.

## XLVIII.—AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution, shall have the privilege of closing the debate.

## XLIX.

All committees of the Senate shall report their action on all bills or matters referred to them within five days after reference, unless otherwise specially ordered.

Mr. Clunie moved that the reading of the rules be dispensed with.

Mr. Boggs offered the following as a substitute for Mr. Moffitt's motion:

*Resolved*, That the President of the Senate appoint a committee of three Senators to prepare and report a system of rules for the government of the Senate, committee to report to-morrow.

Roll call demanded by Senators Vrooman, Walrath, and Dray.

Roll called, and the substitute lost by the following vote:

AYES—MESSRS. Abbott, Boggs, Briceland, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Hinshaw, Langford, McCudden, Patterson, Roth, Sargent, Steele, Vrooman, Walrath, and Wilson—19.

NOES—MESSRS. Bowers, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Spellacy, Sullivan, White, and Yell—20.

Mr. Clunie's motion to dispense with reading of rules was carried. The question being on the adoption of the motion of Mr. Moffitt to adopt a set of rules, the ayes and noes were demanded by Senators Vrooman, Walrath, and Dray.

Roll called, and the motion carried by the following vote:

AYES—MESSRS. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell 26.

NOES—MESSRS. Abbott, Bowers, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson—13.

The President announced, as additional attachés, the following:

*Assistant Sergeant-at-Arms*—T. Coleman.

*Watchmen*—Mr. Russell and T. McGann.

*Floor Porters*—W. J. Lynne, Chas. Melhado, and Chas. Robinson.

*Clerk of Sergeant-at-Arms*—T. F. Barry.

*Page*—W. Longshore.

*Porter*—Carter Jackson.

*Porter Senate Committee Rooms*—Wm. Craig.

*Mail Carrier*—Jos. Pinckard.

#### ADJOURNMENT.

At one o'clock and five minutes P. M., on motion of Mr. Langford, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, )  
Tuesday, January 4, 1887. }

The Senate met at eleven o'clock A. M., pursuant to adjournment. President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Hon. J. D. Byrnes, from the Thirty-third District, appeared and was sworn in as Senator.

Journal of yesterday read, and on motion of Mr. Moffitt, the reading of that portion relating to the rules was dispensed with.

Journal approved.

#### ADJOURNMENT.

At eleven o'clock and ten minutes A. M., on motion of Mr. Langford, the Senate adjourned until two o'clock P. M. to-morrow.



## IN SENATE.

SENATE CHAMBER,

Wednesday, January 5, 1887. }

The Senate met pursuant to adjournment.

Hon. John Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Journal of yesterday read and approved.

The President announced that the election of officers of the Senate is now in order.

## ELECTION OF OFFICERS—ELECTION OF PRESIDENT PRO TEM.

Mr. Clunie nominated Hon. Stephen M. White, of Los Angeles.

Mr. Steele nominated Hon. A. L. Chandler, of Yuba and Sutter.

The roll was called, with the following result:

*For White*—Messrs. Boggs, Briceland, Caminetti, Chandler, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, and Yell—26.  
*For Chandler*—Messrs. Abbott, Bowers, Byrnes, Conklin, Crandall, Crimmins, Dray, Hall, Steele, Vrooman, Walrath, White, and Wilson—13.

Whole number of votes cast.....	39
Necessary to a choice.....	20
Stephen M. White received.....	26
A. L. Chandler received.....	13

Stephen M. White, having received a majority of all the votes cast, was declared elected President pro tem. of the Senate.

## ELECTION OF SECRETARY OF THE SENATE.

Mr. Moffitt nominated Edward H. Hamilton, of Alameda.

Mr. Wilson nominated Thos. H. Berkey, of Sacramento.

The roll was called, with the following result:

*For Hamilton*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.  
*For Berkey*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	39
Necessary to a choice.....	20
Ed. H. Hamilton received.....	26
Thos. H. Berkey received.....	13

Ed. H. Hamilton, having received a majority of all the votes cast, was declared elected Secretary of the Senate.



## ELECTION OF ASSISTANT SECRETARIES.

Mr. Langford nominated R. B. Oullahan, of Stockton.

Mr. Goucher nominated J. H. Corcoran, of Mariposa.

Mr. Wilson nominated C. T. Johns, of Alameda.

Mr. Abbott nominated F. J. Saxe, of Santa Clara.

Mr. White moved that as each Senator's name is called he vote for two Assistant Secretaries.

So ordered.

The roll was called, with the following result:

*For Oullahan and Corcoran*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.

*For Saxe and Johns*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	39
Necessary to a choice.....	20
R. B. Oullahan received.....	26
J. H. Corcoran received.....	26
C. T. Johns received.....	13
F. J. Saxe received.....	13

R. B. Oullahan and J. H. Corcoran, having received a majority of all the votes cast, were declared elected Assistant Secretaries of the Senate.

## ELECTION OF SERGEANT-AT-ARMS.

Mr. Lenahan nominated John W. Wilcox, of San Francisco.

Mr. Dray nominated Robert W. Parker, of Sacramento.

The roll was called, with the following result:

*For Wilcox*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.

*For Parker*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	40
Necessary to a choice.....	21
John W. Wilcox received.....	26
Robert W. Parker received.....	14

John W. Wilcox, having received a majority of all the votes cast, was declared elected Sergeant-at-Arms of the Senate.

## ELECTION OF ASSISTANT SERGEANT-AT-ARMS.

Mr. Sullivan nominated Thomas Coleman, of San Francisco.

Mr. Bowers nominated Wm. Pitt Eldred, of Sacramento.

The roll was called, with the following result:

*For Coleman*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.

*For Eldred*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	40
Necessary to a choice.....	21
Thomas Coleman received.....	26
Wm. Pitt Eldred received.....	14

Thomas Coleman, having received a majority of all the votes cast, was declared elected Assistant Sergeant-at-Arms of the Senate.

#### ELECTION OF MINUTE CLERK.

Mr. Haynes nominated W. F. Heustis, of Humboldt.

Mr. Chandler nominated Frank A. Smith, of Sacramento.

The roll was called, with the following result:

*For Heustis*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.

*For Smith*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	40
Necessary to a choice.....	21
W. F. Heustis received.....	26
Frank A. Smith received.....	14

W. F. Heustis, having received a majority of all the votes cast, was declared elected Minute Clerk of the Senate.

#### ELECTION OF JOURNAL CLERK.

Mr. Yell nominated J. F. Meagher, of San Francisco.

Mr. Hall nominated Jos. H. Cook, of San Francisco.

The roll was called, with the following result:

*For Meagher*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.

*For Cook*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	40
Necessary to a choice.....	21
J. F. Meagher received.....	26
Jos. H. Cook received.....	14

J. F. Meagher, having received a majority of all the votes cast, was declared elected Journal Clerk of the Senate.

#### ELECTION OF ENROLLING CLERK.

Mr. Briceland nominated Thomas W. O'Neil, of Sacramento.

Mr. Wilson nominated George W. Lee, of San Francisco.

The roll was called, with the following result:

*For O'Neil*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.

*For Lee*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	40
Necessary to a choice.....	21
Thomas W. O'Neil received.....	26
Geo. W. Lee received.....	14

Thomas W. O'Neil, having received a majority of all the votes cast, was declared elected Enrolling Clerk of the Senate.

## ELECTION OF ENGROSSING CLERK.

Mr. Caminetti nominated M. S. Brace, of Amador.  
 Mr. Crandall nominated Walter Blair, of San Francisco.  
 The roll was called, with the following result:

*For Brace*—Messrs. Boggs, Briceland, Caminetti, Clunie, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.  
*For Blair*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	40
Necessary to a choice.....	21
M. S. Brace received.....	26
Walter Blair received.....	14

M. S. Brace, having received a majority of all the votes cast, was declared elected Engrossing Clerk of the Senate.

## POSTMISTRESS.

Mr. Jones nominated Miss H. E. Dixon, of Alameda.  
 Mr. Abbott nominated Mrs. Lizzie T. Russell.  
 The roll was called, with the following result:

*For Dixon*—Messrs. Boggs, Briceland, Caminetti, Clunie, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.  
*For Russell*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson.

Whole number of votes cast.....	40
Necessary to a choice.....	21
Miss H. E. Dixon received.....	25
Mrs. Lizzie T. Russell received.....	15

Miss H. E. Dixon, having received a majority of all the votes cast, was declared elected Postmistress of the Senate.

Mr. White moved that a committee of three, to consist of Messrs. Boggs, Haynes, and Dray, be elected to notify the Governor that the Senate is now organized and ready to receive any communications he may wish to make.

So ordered.

## RESOLUTION.

By Mr. Langford:

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized and ready to proceed to business, with the following officers:

President pro tem.....	Hon. Stephen M. White.
Secretary.....	Edward H. Hamilton.
First Assistant Secretary.....	Robert B. Oullahan.
Second Assistant Secretary.....	John H. Corcoran.
Sergeant-at-Arms.....	John W. Wilcox.
Assistant Sergeant-at-Arms.....	Thomas Coleman.
Minute Clerk.....	W. F. Huestis.
Journal Clerk.....	John F. Meagher.
Enrolling Clerk.....	Thomas W. O'Neil.
Engrossing Clerk.....	M. S. Brace.
Postmistress.....	Miss Hattie E. Dixon.

Adopted.

Mr. Goucher moved that a committee of three, to consist of Messrs. Langford, Jones, and Vrooman, be elected to prepare a set of rules for the government of the Senate.

So ordered.

#### RESOLUTIONS.

By Mr. Gesford:

*Resolved*, That the Rev. Hayden C. Christian be and he is hereby appointed Chaplain of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Mr. Byrnes moved to amend, by inserting the name of Rev. S. K. Trefran in place of Rev. H. C. Christian.

Amendment lost.

Resolution adopted.

By Mr. White:

*Resolved*, That J. J. McCarthy be and he hereby is appointed Assistant Secretary of the Senate.

Adopted.

By Mr. Jones:

*Resolved*, That Lemuel L. Lightner and Bernard Landers be and they hereby are appointed Gatekeepers of the Senate Chamber.

Adopted.

By Mr. Yell:

*Resolved*, That Willie Bond, Charles J. Lansing, John F. Dunworth, Samuel Rosenberg, Willie Ensburry, and Willie Hopper, be and they hereby are appointed Pages of the Senate.

Mr. Vrooman arose to a point of order, stating that the appointment of Pages belonged to the President of the Senate.

The Chair ruled that it was in the province of the Senate to create any number of Pages, but the President has a right to appoint, and ruled the resolution out of order.

Pending discussion, Mr. Boggs, of the committee elected to wait on the Governor, made verbal report that they had communicated with the Governor, and that he would transmit his message to-morrow.

At three o'clock and thirty minutes p. m. Mr. Vrooman moved to adjourn.

Ayes and noes demanded by Senators Vrooman, Walrath, and Dray.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, and Walrath—13.

NOES—Messrs. Boggs, Caminetti, Clunie, Dixon, Gesford, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell—24.

Mr. Caminetti appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Senators Chandler, Vrooman, and Walrath.

The roll was called, and the decision of the Chair was not sustained by the following vote:

AYES—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Haynes, Hinshaw, Patterson, Sargent, Steele, Walrath, and Wilson—16.

NOES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Pinder, Rose, Roth, Spellacy, Sullivan, Vrooman, White, and Yell—23.

Mr. Vrooman gave notice that on to-morrow he would move to reconsider the vote whereby the decision of the Chair was not sustained.

#### OATH OF OFFICE.

The officers elect now appeared and subscribed to the oath of office administered by the President, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected, to the best of my ability. So help me God.

Mr. Boggs moved to take up Assembly messages (out of order).  
So ordered.

#### ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 3, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution, viz.:

*Resolved*, That the Clerk be instructed to notify the Senate that the Assembly is organized by the election of the following officers, viz.:

Speaker.....	W. H. Jordan.
Speaker pro tem.....	J. R. Brierly.
Chief Clerk.....	F. D. Ryan.
Assistant Clerks.....	Ed. J. Smith and F. W. Marston.
Minute Clerk.....	Guy H. Salisbury.
Assistant Minute Clerk.....	Ray G. Falk.
Journal Clerk.....	Albert Hart.
Assistant Journal Clerk.....	A. F. Chapman.
Engrossing Clerk.....	J. Shaen.
Postmistress.....	Mrs. C. E. Levy.
Chaplain.....	Rev. Dr. Dille.

And awaits its pleasure in legislative business.

FRANK D. RYAN, Chief Clerk.

#### RESOLUTIONS.

By Mr. Caminetti:

*Resolved*, That Senators Jones, Yell, and Wilson be appointed a committee of three to act in conjunction with a similar committee of the Assembly to make preparations for the inauguration of his Excellency Governor elect Washington Bartlett.

Adopted.

By Mr. McCarthy:

*Resolved*, That Jesse A. Galland and Miss Josie Wolfskill be and they are hereby elected Assistant Journal Clerks of the Senate, at the same per diem as Journal Clerk.

Adopted.

By Mr. Murphy:

*Resolved*, That Howard Cahill be and he is hereby elected Mail Carrier of the Senate.

Adopted.

By Mr. Jones:

*Resolved*, That the Secretary of the Senate request the Secretary of State to provide for the use of the Senate fifty sets of the pocket edition of 1886 of the Codes of this State.



Adopted.  
By Mr. Murphy:

*Resolved*, That the Secretary of the Senate, Minute Clerk, and Sergeant-at-Arms of the Senate, during the preliminary organization, be allowed one week's pay, payable out of the Contingent Fund of the Senate.

Adopted.

#### ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Mr. Langford, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, January 6, 1887. }

The Senate met pursuant to adjournment.

Lieutenant-Governor John Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read, corrected, and approved.

#### RESOLUTIONS.

By Senator Jones:

*Resolved*, That upon the adjournment of the Senate to-day the Sergeant-at-Arms, Gate-keeper, and Porter of the Senate be instructed to repair to the Assembly Chamber and assist in the preparation thereof for the inaugural ceremonies, and act in conjunction with the officers of the Assembly in maintaining order during the ceremonies.

Adopted.  
By Mr. Meany:

*Resolved*, That Henry Zollver and J. DeWitt McPike be and are hereby elected Assistant Minute Clerks, at the same per diem as the Minute Clerk.

Adopted.  
By Mr. Pinder:

*Resolved*, That Thos. B. Mortee be and he is hereby appointed Clerk to the Sergeant-at-Arms; that Hank Jones be and he is hereby appointed Porter to the Sergeant-at-Arms; that Edwin Barton be and he is hereby appointed Page to the Sergeant-at-Arms.

Senator Vrooman raised the point of order that the Sergeant-at-Arms had no power to appoint the officers named.

The President declared the point of order well taken.

At the request of Senator Clunie, the resolution was temporarily withdrawn.

#### MESSAGE FROM THE ASSEMBLY

The following message was received from the Assembly:

*To the honorable Senate:*

The undersigned committee have been appointed by the House to wait upon your honorable body and ascertain what time will be agreeable for you to meet with the House in joint convention to count the returns of election of Governor and Lieutenant-Governor.

VARIEL.  
HEATH.  
WRIGHT.

On motion of Senator White, it was agreed to meet them in joint convention at noon to-day.

#### PETITIONS.

Mr. Murphy presented a petition in the matter of the contested election of P. J. Crimmins for the office of Senator from the Twenty-third Senatorial District of the State of California, by W. H. Williams, which was laid over for the present until after the appointment of committees.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 6, 1887. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body my second biennial message, with accompanying documents.

GEORGE STONEMAN, Governor.

Pending the reading of the message, on motion of Senator Gesford, the further reading was dispensed with, and three thousand copies ordered printed.

Also:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 6, 1887. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that since the adjournment of the twenty-sixth session of the Legislature I have made the following appointments, and respectfully request the consent of the Senate to the same:

April 3, 1885—Charles H. Randall, Director of the State Insane Asylum at Stockton, vice Caleb Dorsey, deceased.

January 20, 1885—Pilot Commissioners for the harbor of Humboldt Bay and Bar, Peter Belcher, H. Kingston, and William Carson.

July 6, 1885—Theodore A. Lord, Trustee of the Asylum for the Deaf, Dumb, and Blind, vice W. C. Harrington, resigned.

August 7, 1885—D. M. Delmas, Regent of the University of California, vice W. S. Rosecrans, resigned.

October 10, 1885—William H. Thornby, Commissioner of Immigration, vice P. A. Forrester, deceased.

December 9, 1885—Thos. J. Sherwood, Fish Commissioner, vice J. D. Redding, resigned.

January 9, 1886—Robert T. Devlin, member of State Board of Prison Directors, vice himself, term expired.

February 27, 1886—L. W. Hellman, Regent of the University of California, vice himself, term expired; and W. T. Wallace, Regent of the University of California, vice himself, term expired.

March 26, 1886—Frank McCoppin, Harbor Commissioner, vice William Irwin, deceased.

April 14, 1886—Directors of the State Insane Asylum at Napa, W. F. Henning, vice J.

M. Landin, term expired; J. C. Martin, vice himself, term expired; George N. Cornwell, vice D. L. Haas, term expired.

July 19, 1886—David W. Weldt, Pilot for the Port of Wilmington, vice Thomas Bowers, removed.

October 2, 1886—Eugene Lehe of Stockton, Brigadier-General, Third Brigade, National Guard of California, vice James A. Shepherd, resigned.

GEORGE STONEMAN, Governor.

#### SPECIAL ORDER.

On motion of Mr. Boggs, the message was made the special order for January thirteenth, at two o'clock P. M.

#### RESOLUTION.

By Mr. Pinder—

*Resolved*, That Thos. B. Mortee be and is hereby appointed Clerk to the Sergeant-at-Arms; that Hank Jones be and is hereby appointed Porter to the Sergeant-at-Arms; that Edwin Barton be and he is hereby appointed Page to the Sergeant-at-Arms.

Mr. Vrooman asked that the resolution be divided, and that a separate vote be taken.

So ordered by the Chair.

Resolution as regards the appointment of Mr. Thos. B. Mortee adopted.

Mr. Pinder moved to appoint Hank Jones Porter to Sergeant-at-Arms.

#### POINT OF ORDER.

Mr. Vrooman arose to a point of order, stating that the Senate had no power to appoint.

The Chair decided the point of order well taken.

Mr. Clunie appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Senators Vrooman, Walrath, and Dray.

Roll called, and the Chair not sustained by the following vote:

AYES—Messrs. Abbott, Bowers, Byrnes, Conklin, Crandall, Crimmins, Dray, Hall, Haynes, Patterson, Steele, Vrooman, Walrath, and Wilson—13.

NOES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell—23.

Mr. Chandler was paired with Mr. Langford. Mr. Chandler would have voted aye. Mr. Langford would have voted no.

The motion was then adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, White, and Yell—24.

NOES—Messrs. Abbott, Bowers, Byrnes, Conklin, Crandall, Crimmins, Dray, Hall, Haynes, Hinshaw, Patterson, Steele, Walrath, and Wilson—14.

Mr. Chandler was paired with Mr. Langford. Mr. Chandler would have voted no. Mr. Langford would have voted aye.

Mr. Vrooman gave notice that on to-morrow he would move to reconsider the vote whereby the decision of the Chair was not sustained.

## POINT OF ORDER.

Mr. Clunie raised the point of order that the matter was not a proper subject for reconsideration.

The Chair decided the point not well taken.

Mr. Crandall moved to refer the resolution to the Committee on Attachés and Contingent Expenses, when appointed.

Ayes and noes demanded by Senators Vrooman, Wilson, and Dray. Roll called, and the motion lost by the following vote:

AYES—MESSRS. Abbott, Bowers, Byrnes, Conklin, Crandall, Crimmins, Dray, Hall Haynes, Hinshaw, Patterson, Steele, Vrooman, Walrath, and Wilson—15.

NOES—MESSRS. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell—23.

Mr. Chandler was paired with Mr. Langford. Mr. Chandler would have voted aye. Mr. Langford would have voted no.

Mr. Pinder moved to appoint Edwin Barton as Page to Sergeant-at-Arms.

Ayes and noes demanded by Messrs. Vrooman, Walrath, and Dray.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, White, and Yell—25.

NOES—MESSRS. Abbott, Bowers, Byrnes, Conklin, Crandall, Crimmins, Dray, Hall, Haynes, Patterson, Steele, Walrath, and Wilson—13.

Mr. Chandler was paired with Mr. Langford. Mr. Chandler would have voted no. Mr. Langford would have voted aye.

Mr. Vrooman gave notice that on to-morrow he would move to reconsider the vote whereby the decision was not sustained.

Mr. White moved to proceed to the consideration of the resolution offered yesterday by Mr. Yell, appointing Pages to the Senate.

The Chair ruled that the first subject for consideration was the reconsideration of the vote whereby the Chair was not sustained in its decision of yesterday upon this matter.

Mr. White raised the point of order that, being a subsidiary motion, it was not a proper subject upon which to give notice of reconsideration upon a following day.

The Chair ruled the point not well taken.

Upon motion of Mr. Clunie, the motion to meet the Assembly in Joint Convention at twelve o'clock m. was temporarily postponed.

Mr. Clunie moved to indefinitely postpone the motion to reconsider. Carried.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Vrooman, Walrath, and Dray.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, White and Yell—25.

NOES—MESSRS. Abbott, Bowers, Byrnes, Conklin, Crandall, Crimmins, Dray, Hall, Haynes, Patterson, Steele, Walrath, and Wilson—13.

Mr. Chandler was paired with Mr. Langford. Mr. Chandler would have voted no. Mr. Langford would have voted aye.



Mr. Vrooman gave notice that on to-morrow he would move to reconsider the vote whereby the resolution was adopted.

Thereafter, upon motion of Mr. White, the Senate proceeded to meet the Assembly in Joint Convention.

#### IN JOINT CONVENTION.

Proceedings of Joint Convention to canvass the returns of the election for Governor and Lieutenant-Governor.

The President of the Senate and Senators were announced and received in Joint Convention.

The Convention was called to order by the Speaker of the House and President of the Senate.

The roll of Senators was called by the Secretary of the Senate, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Chunie, Conklin, Crandall, Crimmins, Dixon, Dray, Giesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lennahan, McCarthy, McDonald, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

The roll of the Assembly was called by the Chief Clerk, and the following members responded to their names:

Messrs. Adams, Alexander, Atherton, Bailey, Barton, Bost, Brierly, Brooks, Brown W. A., Brown J. B., Brusie, Burnett, Butler, Callaghan, Campbell, Carr, Carroll, Cohen, Colbert, Cooley, Coombs, Cope, Currey of Solano, Curry of San Francisco, Davis, Ellsworth, Ewing, Gould, Granger, Gravel, Handy, Hart, Heath, Henry of Butte, Henry of San Joaquin, Hotchkiss, Hyde, Knox, LaBlanc, Lawrence, Lewis, Mahler, Martin, Mann, Mathews of Tehama, Matthews of San Benito, McClenahan, McDonnell, McGowan, Mitchell, Morgan, Morris, O'Grady, Ohlwey, Price, Regan, Rucker, Renison, Searey, Shanahan, Sherburne, Sims, Smyth, Spurgeon, Sykes, Taylor, Toner, Varied, Venable, Vincent, Weber, Windrow, Wilcox, Williams, Wright, Young of San Diego, Young of San Joaquin, and Mr. Speaker.

The Secretary of the Senate read the sections of the Political Code authorizing a Joint Convention.

The President of the Senate appointed as tellers, on the part of the Senate, Senators Boggs and Wilson.

The Speaker of the House appointed as tellers, on the part of the Assembly, Messrs. LaBlanc and Lewis.

The Speaker announced that the returns from all the counties except three had been received.

Senator White moved that a committee of three be appointed by the Chair to wait upon the Secretary of State and ascertain if all the returns had been received by him, and if he had any information as regards the missing returns from said three counties.

So ordered.

The Speaker appointed as such committee, Messrs. White, Haynes, and Heath.

#### RECESS.

At one o'clock and twelve minutes p. m. the Speaker declared a recess for five minutes.

#### REASSEMBLED.

At one o'clock and twenty minutes p. m. the Joint Convention reassembled.

Quorum present.



Mr. White, of the committee appointed to wait upon the Secretary of State, made verbal report that the committee have in their possession the official returns from the missing counties.

Mr. White moved that the official abstract be admitted in lieu of the returns that should have been delivered to the Speaker.

Mr. Vrooman arose to a point of order, stating that this Convention cannot go outside of the sections of the Code as read by the Secretary of the Senate.

#### QUESTION OF PRIVILEGE.

Senator Vrooman arose to a question of privilege, and took exception to the remarks of a member of the Senate.

Senator Clunie also arose to a question of privilege, in answer.

The Speaker decided the point of order made by Senator Vrooman as well taken.

#### RECESS.

At two o'clock and forty-five minutes P. M., Mr. Taylor moved that the Joint Convention take a recess until to-morrow, at three o'clock P. M.

Mr. Goucher moved to amend, by taking a recess until Saturday, January eighth, at ten o'clock A. M.

Amendment accepted.

Mr. Brierly moved to amend, by making the hour three o'clock P. M. to-morrow.

Amendment lost.

The question recurring on the original motion, at two o'clock and fifty minutes P. M. the Speaker declared a recess of the Joint Convention until Saturday, at ten o'clock A. M., January 8, 1887.

#### IN SENATE.

The Senate reassembled at three o'clock P. M.

Quorum present.

On motion of Senator Clunie, Senators Caminetti, Gesford, and Wilson were chosen by the Senate as a temporary Committee on Mileage and Contingent Expenses.

#### ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Senator Clunie, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER, }  
Friday, January 7, 1887. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected, and approved.

#### ADJOURNMENT.

Mr. Caminetti moved to adjourn.

The ayes and noes were demanded by Messrs. Walrath, Vrooman, and Byrnes.

The roll was called, with the following result:

AYES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell—23.

NOES—Messrs. Abbott, Bowers, Byrnes, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson—13.

Mr. Chandler was paired with Mr. Langford. Mr. Langford would have voted aye. Mr. Chandler would have voted no.

Whereupon, at twelve o'clock and ten minutes p. m. the Senate stood adjourned.

#### IN JOINT CONVENTION.

ASSEMBLY CHAMBER,  
Saturday, January 8, 1887. }

At ten o'clock A. M., pursuant to a recess, the Joint Convention met in the Assembly Chamber, and was called to order by President Daggett, in conjunction with Speaker Jordan.

The roll of Senators was called by the Secretary of the Senate, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

The roll of the Assembly was called by the Chief Clerk, and the following members responded to their names:

Messrs. Adams, Alexander, Atherton, Bailey, Barry, Barton, Bost, Brierly, Britt, Brooks, Brown J. B., Brusie, Barnett, Butler, Callaghan, Campbell, Carr, Carroll, Cohen, Colbert, Cooley, Coombs, Cope, Curry of Solano, Curry of San Francisco, Davis, Ellsworth, Ewing, Gould, Granger, Gruwell, Hart, Heath, Henry of Butte, Henry of San Joaquin, Hotchkiss, Knox, LaBlanc, Lewis, Mahler, Martin, Mann, Mathews of Tehama, Matthews of San Benito, McClenahan, McDonnell, McGowan, Mitchell, Morgan, Morris, O'Grady, Ohleyer, Price, Regan, Rucker, Renison, Searey, Shanahan, Sherburne, Sims, Smyth, Spurgeon, Sykes, Taylor, Toner, Variel, Venable, Vincent, Weber, Windrow, Wilcox, Williams, Wright, Young of San Diego, Young of San Joaquin, and Mr. Speaker.

Quorum present.

Proceedings of Joint Convention of January sixth read and approved.

The Speaker announced that he had received the returns of the three missing counties, and proceeded to finish the canvass of the votes for Governor and Lieutenant-Governor.

The tellers announced that the vote cast at the last general election, held on the second day of November, 1886, for Governor and Lieutenant-Governor, was as follows:

## FOR GOVERNOR.

Washington Bartlett .....	84,970
John F. Swift .....	84,311
Joel Russell .....	6,432
P. D. Wigginton .....	7,347
C. C. O'Donnell .....	12,227
Scattering .....	336

Whole number of votes cast for Governor ..... 195,623

The Speaker thereupon declared the result, as certified by the Secretary of State and the tellers of the Convention, to be: Total number of votes cast for Governor, 195,623; and that Washington Bartlett, having received the highest number of votes cast, is duly elected Governor of the State of California for the ensuing term, according to the Constitution and laws of the State.

## FOR LIEUTENANT-GOVERNOR.

Michael F. Tarpey .....	92,476
R. W. Waterman .....	94,973
R. D. Boren .....	5,836
Horace Bell .....	1,658
Scattering .....	121

Whole number of votes cast for Lieutenant-Governor ..... 195,064

The Speaker thereupon declared the result to be: Total number of votes cast for Lieutenant-Governor, 195,064, and that R. W. Waterman, having received the highest number of votes cast at said election for Lieutenant-Governor, was duly elected Lieutenant-Governor of the State of California for the ensuing term, according to the Constitution and laws of the State.

The committee appointed to confer with the Governor in regard to the inaugural ceremonies, made a verbal report, through Mr. Jones, that his Excellency, the Governor elect, desired the ceremony to take place in the Assembly Chamber, at three o'clock p. m. to-day.

## RECESS.

At ten o'clock and thirty-five minutes A. M., the Speaker declared a recess of the Joint Convention until three o'clock p. m. to-day.

## REASSEMBLED.

At three o'clock p. m. the Joint Convention met in the Assembly Chamber, and was called to order by President Daggett, in conjunction with Speaker Jordan.

The rolls of the Senate and Assembly were called by the Secretary of the Senate and the Chief Clerk of the Assembly, and the following Senators and Assemblymen answered as being present:

Senators Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Messrs. Adams, Alexander, Atherton, Barton, Bost, Brierly, Britt, Brooks, Brusie, Butler, Callaghan, Campbell, Carr, Carroll, Cohen, Colbert, Cooley, Coombs, Cope, Curry of

San Francisco, Davis, Ellsworth, Ewing, Gould, Granger, Gruwell, Handy, Hart, Heath, Henry of Butte, Henry of San Joaquin, Hotchkiss, Knox, LaBlanc, Lawrence, Lewis, Mahler, Martin, Mann, Mathews of Tehama, Matthews of San Benito, McClenahan, McDonnell, McGowan, Mitchell, Morgan, Morris, O'Grady, Ohlwey, Regan, Rucker, Renison, Searcy, Shanahan, Sherburne, Sims, Smyth, Spurgeon, Sykes, Taylor, Toner, Variel, Venable, Vincent, Weber, Windrow, Wilcox, Williams, Wright, Young of San Diego, Young of San Joaquin, and Mr. Speaker.

Prayer by the Chaplain of the Assembly, Rev. Mr. Dille.

Speaker W. H. Jordan introduced Governor George Stoneman, who made a brief address.

Speaker W. H. Jordan introduced Washington Bartlett, Governor elect. The oath of office was administered by Judge J. W. Armstrong, Judge of the Superior Court of Sacramento County, to the Governor elect, as follows:

#### OATH OF OFFICE OF GOVERNOR.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability. So help me God.

Governor Bartlett then read his inaugural address. (For Governor's address see appendix.)

#### OATH OF OFFICE OF LIEUTENANT-GOVERNOR.

Lieutenant-Governor elect, R. W. Waterman, now came forward and took the oath of office as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of my office of Lieutenant-Governor of the State of California, according to the best of my ability. So help me God.

Which was administered by Judge J. W. Armstrong, Judge of the Superior Court of Sacramento County.

Lieutenant-Governor R. W. Waterman was now introduced by Speaker Jordan, and made a brief address.

Speaker Jordan introduced the retiring Lieutenant-Governor, John Daggett, who made a short address.

Proceedings of the Joint Convention of to-day were read and the Convention dissolved by the Speaker.

#### IN SENATE.

SENATE CHAMBER, }  
Saturday, January 8, 1887. }

Senate met pursuant to adjournment.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gisford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Quorum present.



Prayer by Chaplain, Rev. H. C. Christian.  
Journal of yesterday read and approved.

# RESOLUTIONS.

By Mr. Goucher:

*Resolved*, That when the Senate adjourns to-day, it do so in pride of the signal triumph won by American arms at New Orleans, January 8, A. D. 1815, and in respect to the memory of the American heroes engaged in that great conflict.

Adopted.

By Mr. Goucher:

*Resolved*, That the Journal Clerk and Assistant Journal Clerks, and the Assistant Secretary of the Senate during the preliminary organization, be and they are hereby allowed six days pay, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized and directed to draw his warrant for the same.

Mr. Caminetti moved to lay the resolution on the table.

Lost.

Mr. Caminetti then moved to refer the resolution to the Committee on Contingent Expenses, and it was so referred.

Mr. Gesford, from the Special Committee on Contingent Expenses and Mileage, submitted the following report:

SACRAMENTO, January 8, 1887.

MR. PRESIDENT: Your Special Committee on Contingent Expenses and Mileage, having had under consideration the mileage and per diem of the temporary officers of the Senate, beg leave to report that the following officers and attachés are entitled to mileage and per diem under the Constitution and Political Code, as follows:

## MILEAGE.

John Daggett, Lieutenant-Governor, 690 miles .....	\$69 00
Edwin F. Smith, Secretary .....	
I. G. Messec, Sergeant-at-Arms, 316 miles .....	31 60
R. G. Falk, Minute Clerk, 168 miles .....	16 80

## PER DIEM.

John Daggett, President of the Senate, six days, \$10 per day .....	\$60 00
Thomas Coleman, Assistant Sergeant-at-Arms, three days, \$6 per day .....	18 00
Mrs. Russell, Postmistress, six days, \$3 per day .....	18 00
Willie Jobson, Page, five days, \$3 per day .....	15 00
B. Hughston, Page, five days, \$3 per day .....	15 00
H. Nottingham, Page, five days, \$3 per day .....	15 00
J. Toomey, Page, five days, \$3 per day .....	15 00
Arthur Rhodehamel, Page, five days, \$3 per day .....	15 00
William Craig, Porter, six days, \$4 per day .....	24 00
Hank Jones, Porter, six days, \$4 per day .....	24 00
J. H. S. Farrell, Porter, six days, \$4 per day .....	24 00
W. J. Lynn, Porter, six days, \$4 per day .....	24 00
G. Hadelstone, Porter, six days, \$4 per day .....	24 00
Charles Melhado, Porter, six days, \$4 per day .....	24 00
Charles Robinson, Porter, six days, \$4 per day .....	24 00
Carter Jackson, Porter, six days, \$4 per day .....	24 00
Daniel Coughlan, Watchman, six days, \$4 per day .....	24 00
Mr. Russell, Watchman, six days, \$4 per day .....	24 00
T. McGann, Watchman, six days, \$4 per day .....	24 00
Joseph Wagner, Gatekeeper, six days, \$4 per day .....	24 00
F. Lacey, Gatekeeper, six days, \$4 per day .....	24 00
J. F. Barry, Clerk of Sergeant-at-Arms, six days, \$5 per day .....	30 00
Joseph Pinckard, Mail Carrier, six days, \$3 per day .....	18 00

*Resolved*, That the Controller be authorized and directed to draw his warrant, payable out of the Contingent Fund of the Senate, for the amounts heretofore named.

GESFORD, Chairman,  
CAMINETTI,  
WILSON,  
Committee.



The report of the committee was adopted.  
Mr. Gesford offered the following resolution:

*Resolved*, That Milton O. Cutler be and he is hereby appointed Watchman of the Senate Gallery, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. White offered the following resolution:

*Resolved*, That the Pages heretofore elected by the Senate and hereafter appointed, serve at a salary of three dollars per day each, such salaries to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Gesford offered the following resolution:

*Resolved*, That Oscar Marshall and J. Wagner be and they are hereby appointed Day Watchmen of the Senate Chamber, and L. Tynan and Charles Allen be and they are hereby appointed Night Watchmen of the Senate Chamber, at a per diem of \$4, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Meany offered the following resolution:

*Resolved*, That Shadrack Bane be and is hereby elected Messenger between the Senate and State Printing Office, at three dollars per day, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Steele offered the following resolution:

*Resolved*, That the State Printer is hereby authorized and requested to print two hundred copies of the Senate Journal of January fourth.

Adopted.

Mr. Caminetti offered the following resolution:

*Resolved*, That the Enrolling Clerk of the Senate, without additional compensation, be and he is hereby instructed and directed to act as Assistant Secretary at the desk.

Adopted.

Mr. Pinder offered the following resolution:

*Resolved*, That Felix Carlos be and he is hereby appointed Gatekeeper of the Senate at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Mr. Jones offered the following as a substitute for Mr. Pinder's resolution:

*Resolved*, That the per diem of the Gatekeepers of the Senate be and the same is hereby fixed at five dollars each, payable out of the Contingent Fund of the Senate.

Lost.

Mr. Caminetti moved to refer to Committee on Contingent Expenses and Attachés.

Lost.

On the adoption of the resolution offered by Mr. Pinder, the ayes and noes were demanded by Messrs. Boggs, Caminetti, and Yell, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw,

Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Walrath, White, Wilson, and Yell—36.  
 NOES—None.

Mr. McDonald offered the following resolution:

*Resolved*, That Wm. A. Jobson be and he is hereby appointed Mailing Clerk of the Senate, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Jones offered the following resolution:

*Resolved*, That W. S. O'Brien be and is hereby elected Assistant Clerk to the Sergeant-at-Arms, at the same per diem paid to the Clerk to the Sergeant-at-Arms, and payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Jones:

*Resolved*, That upon the adjournment of the Senate to-day the Sergeant-at-Arms, Gate-keeper, and Porter of the Senate, be instructed to repair to the Assembly Chamber and assist in the preparation thereof for the inaugural ceremonies, and act in conjunction with the officers of the Assembly in maintaining order during the ceremonies.

Adopted.

By Mr. Jones:

WHEREAS, The Secretary of State has not in his possession the Codes and Statutes of this State requested to be furnished for the use of the Senate;

*Resolved*, That the Secretary of State be and he is hereby authorized to purchase forty copies of the pocket edition of 1886, of the Codes and Constitution of this State, for the use of the Senate, to be paid for out of the Contingent Fund of the Senate, the price per set not to exceed eleven dollars. The sets to be returned to the Secretary of State at the close of the session, and unless so returned, the amount to be deducted from the allowance for contingent expenses of the member failing to make such return.

Mr. Boggs moved to amend, by providing for the members of the Judiciary Committee and the Chairmen of the Committees on Corporations and County Government only.

Mr. Goucher offered an amendment to the amendment, to the effect that forty sets of the Codes of 1886 be furnished to the members of the Senate.

Pending the consideration of the above amendments, Mr. Boggs offered the following as a substitute for the whole subject-matter:

Each member of the Judiciary Committee and the Chairman of the Committee on County and County Government and the Chairman of the Committee on Corporations be furnished with the latest edition of the pocket Codes, and all other members with the edition of 1883.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Walrath, Dray, and Byrnes, and the substitute was lost by the following vote:

AYES—Messrs. Boggs, Caminetti, McDonald, and Yell—4.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—31.

The amendment of Mr. Boggs was then withdrawn, when Mr. Goucher moved to amend as follows:

*The sets to be returned to the Secretary of State at the close of the session, and unless so returned, the amount to be deducted from the allowance for contingent expenses of the member failing to make such return.*

The amendment prevailed, and the resolution, so amended, was adopted.

Mr. Sullivan offered the following resolution.

*Resolved, That Peter McGowan be and he is hereby appointed Messenger to the Sergeant-at-Arms, at the same per diem as the Porter, payable out of the Contingent Fund of the Senate.*

On motion of Mr. Caminetti, the above resolution was referred to Committee on Attachés, when appointed.

Thereupon, on motion of Mr. Meany, the Senate took a recess until two o'clock and forty-five minutes P. M.

#### REASSEMBLED.

The Senate reassembled at two o'clock and forty-five minutes P. M. President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gessford, Hall, Haynes, McCarthy, McDonald, Meany, Moffitt, Patterson, Roth, Sargent, Steele, Walrath, and White.

Quorum present.

On motion of Mr. Clunie, the Senate took a recess, and in a body proceeded to the Assembly Chamber to attend the inaugural ceremonies at three o'clock this P. M.

#### REASSEMBLED.

The Senate reassembled at twenty minutes to five o'clock P. M.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Clunie, Conklin, Crandall, Dixon, Dray, Gessford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McDonald, Meany, Moffitt, Roth, Sargent, Steele, Walrath, White, and Yell.

Quorum present.

Lieutenant-Governor John Daggett then presented Lieutenant-Governor R. W. Waterman to the Senate, who, upon taking the chair, briefly addressed the Senate.

Mr. White introduced the following resolution, which was adopted:

*Resolved, That the Senate extends its thanks to the retiring Lieutenant-Governor for the ability and impartiality displayed by him as the presiding officer, and tenders to him its best wishes for his future prosperity and happiness.*

The President announced the following appointments, viz.: Bushnell C. Hughston, Geo. S. Evans, and Thos. McKinstry, as Pages; and for Porters, Chas. Melhado, Isaiah Dunlap, and Albert Grubb.

## ADJOURNMENT.

Mr. Moffitt moved to adjourn until Monday, the tenth instant, at two o'clock P. M.

Mr. Boggs moved to amend, by striking out the word Monday and inserting the word Tuesday.

Lost.

The motion of Mr. Moffitt to adjourn until Monday, at two o'clock P. M., was adopted, and the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 10, 1887. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Waterman in the chair.

Roll called, and the following Senators answered to their names:

MESSRS. Abbott, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

## LEAVE OF ABSENCE.

Senator Bowers was granted one day's leave of absence.

Prayer by Rev. Mr. Dille, Chaplain of the Assembly.

Journal of Saturday, January eighth, read and approved.

## RESOLUTIONS.

By Mr. White:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to furnish each member of the press with two copies of every document or bill printed by order of the Senate.

Adopted.

By Mr. Moffitt:

*Resolved*, That the State Printer be and he hereby is directed to print three hundred and sixty copies of the Senate Journal daily.

Adopted.

## ADJOURNMENT.

At two o'clock and twenty minutes P. M., on motion of Mr. Goucher, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 11, 1887. }

The Senate met pursuant to adjournment.

President R. W. Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of Monday, January tenth, read and approved.

## RECESS.

Mr. White moved that the Senate take a recess until this afternoon at two o'clock.

So ordered.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Steele, Sullivan, and Vrooman.

Quorum present.

## REPORT OF SELECT COMMITTEE.

Mr. Gesford, from the Committee on Mileage and Contingent Expenses, made the following report:

SENATE CHAMBER, SACRAMENTO, January 11, 1887.

MR. PRESIDENT: Your Special Committee on Contingent Expenses and Mileage, to whom was referred the following resolution, viz.:

*Resolved*, That the Journal Clerk and Assistant Journal Clerks, and the Assistant Secretary of the Senate, during the preliminary organization, be and they are hereby allowed six days' pay, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized and directed to draw his warrant for the same.

Most respectfully report that they have had the same under consideration, and recommend that said resolution be not adopted, but recommend, as a substitute therefor, the adoption of the following, viz.:

*Resolved*, That the Journal Clerk and Assistant Journal Clerks, and the Assistant Secretary of the Senate, during the preliminary organization, be and they are hereby allowed four days' pay, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized and directed to draw his warrant for the same.

Respectfully submitted.

GESFORD, Chairman.



Mr. Caminetti submitted the following minority report:

The undersigned, a minority of the above committee, respectfully submits that the above recommendation should not be adopted, as no law required the officers therein mentioned to perform any services during the temporary organization of the Senate; nor were they requested by any officer having authority so to do, to perform any services whatever. Consequently, they possess no claim valid in law which the Senate should pay.

CAMINETTI.

On motion of Mr. Gesford, the majority report was adopted.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Murphy offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to receive from the Controller the warrants due the members of the Senate, officers, and employes, and receipt therefor.

Adopted.

Mr. Goucher offered the following resolution:

*Resolved*, That R. Scofield be and is hereby elected Rear Porter, at a per diem of four dollars, payable out of the Contingent Fund of the Senate, to date from the fifth instant.

Adopted.

#### ADJOURNMENT.

Thereupon, at two o'clock and twenty minutes p. m., on motion of Mr. Langford, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, January 12, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Senator Jones until Monday.

## RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Lenahan:

*Resolved*, That Thomas Coleman, Assistant Sergeant-at-Arms of the Senate during the extra-session of the twenty-sixth session of the Legislature, and who, as a statutory officer, came to assist at the organization of the twenty-seventh session, be and is hereby allowed sixteen dollars and eighty cents mileage, the same to be paid out of the proper fund.

On motion of Mr. Langford, the above resolution was referred to Committee on Attachés, Contingent Expenses, and Mileage, when appointed.

By Mr. Sargent:

*Resolved*, That John Kafod be and is hereby appointed Messenger to the Senate, to be stationed in the office of the Sergeant-at-Arms, to serve at a salary of three dollars per diem.

The above resolution was referred to Committee on Attachés, Contingent Expenses, and Mileage, when appointed.

By Mr. Jones:

*Resolved*, That the per diem of the Gatekeepers of the Senate hitherto appointed, to wit: B. Landers and Lemuel Lightner, be and the same is hereby fixed at four dollars, payable out of the Contingent Fund of the Senate.

Mr. Crandall moved to refer to Committee on Attachés, Contingent Expenses, and Mileage, when appointed.

Lost.

The resolution of Mr. Jones was then adopted.

By Mr. White:

*Resolved*, That Charles Robinson, George Locke, and Granville Huddleston be and they hereby are appointed Porters of the Senate, at a per diem of four dollars each, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. White:

*Resolved*, That James Wilson be and he hereby is appointed Porter of the committee rooms of the Senate, at a per diem of four dollars, payable out of the Senate Contingent Fund.

Adopted.

By Mr. Gesford:

*Resolved*, That Joseph Van Praag be and he is hereby appointed Porter for the Judiciary Committee rooms, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Mr. Crandall moved to refer to Committee on Attachés, Contingent Expenses, and Mileage, when appointed.

Lost.

The resolution by Mr. Gesford was then adopted.

## REPORT OF SPECIAL COMMITTEE ON RULES.

Mr. Langford, from the Committee on Rules, reported a set of rule for the government of the Senate at the present session, as follows:

SENATE CHAMBER, SACRAMENTO, January 12, 1887.

MR. PRESIDENT: Your Committee on Rules beg leave to report the following rules for the government of the Senate for the twenty-seventh session.

LANGFORD, Chairman.

## STANDING RULES OF THE SENATE.

## I.—OPENING OF THE DAILY SESSIONS.

The time of meeting of the Senate shall be eleven o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock and thirty minutes to two P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock and thirty minutes P. M.

## II.—CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

## III.—PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

## IV.—ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county or of any county in the State.

## V.—ORDER OF BUSINESS.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Introduction of Bills.
7. Special File.
8. Third Reading of Bills.
9. Second Reading of Bills.
10. Motions, Resolutions, and Notices.
11. First Reading of Bills.
12. Unfinished Business of the preceding day.
13. Special Orders of the day.
14. Reports from the Committee on Enrollment and on Engrossment shall at all times be in order; *provided*, that the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

## VI.—INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized, shall present the same, and the title shall be announced from the Secretary's desk, when it shall be referred to a standing committee, and be printed, and a copy be placed on each member's desk. Every bill shall be read on three several days previous to its passage, unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision, and the last reading shall be at length. The President shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the Senate has so determined by a vote.

## VII.—THE GENERAL FILE; ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day from two o'clock until three o'clock and thirty minutes p. m. unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

## VIII.—ORDER MAKING SPECIAL FILE.

The Secretary shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State Government and State institutions, revenue, and constitutional amendments, in the order named, and in the order in which the same may be reported to the Senate, and he shall place no other bills thereon.

## IX.—SECRETARY TO POST GENERAL FILE DAILY.

The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the general file, giving their order, and also setting forth their number, and so much of their title as necessary to enable the Senators to understand their general purport.

## X.—BILLS ENGROSSED TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

## XI.—ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on the file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

## XII.—AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and, when adopted, shall take the place of the original bill or resolution, and shall be open to amendment.

## XIII.—AMENDMENTS AND SUBSTITUTES MUST BE GERMANE.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

## XIV.—LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

## XV.—SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

## XVI.—STANDING COMMITTEES.

The following Standing Committees shall be appointed:

1. Committee on Agriculture, to consist of nine members.
2. Committee on Claims, to consist of seven members.
3. Committee on Commerce and Navigation, to consist of seven members.
4. Committee on Attachés, Contingent Expenses, and Mileage, to consist of five members.
5. Committee on Corporations, to consist of eleven members.
6. Committee on Counties, County Governments, and Township Organization, to consist of seven members.
7. Committee on Education, to consist of seven members.
8. Committee on Engrossed Bills, to consist of seven members.
9. Committee on Enrolled Bills, to consist of seven members.
10. Committee on Federal Relations, to consist of five members.
11. Committee on Finance, to consist of seven members.
12. Committee on Hospitals, to consist of five members.
13. Committee on Judiciary, to consist of eleven members.
14. Committee on Military Affairs, to consist of seven members.
15. Committee on Mines, Drainage, and Mining Debris, to consist of seven members.
16. Committee on Public Buildings other than Prison Buildings, to consist of seven members.
17. Committee on Public and Swamp and Overflowed Lands, to consist of five members.
18. Committee on Public Morals, to consist of three members.
19. Committee on Public Printing, to consist of three members.
20. Committee on Roads and Highways, to consist of seven members.
21. Committee on State Library, to consist of three members.
22. Committee on State Prison and Prison Buildings, to consist of nine members.
23. Committee on Irrigation and Water Rights, to consist of nine members.
24. Committee on Fish and Game, to consist of five members.
25. Committee on Elections, to consist of seven members.
26. Committee on City, City and County, and Town Governments, to consist of seven members.
27. Committee on Labor and Capital, to consist of five members.
28. Committee on Chinese and Chinese Immigration, to consist of seven members.
29. Committee on Apportionment and Representation, to consist of nine members.
30. Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, to consist of five members.
31. Committee on Immigration other than Chinese Immigration, to consist of five members.
32. Committee on Viniculture and Viticulture, to consist of five members.
33. Committee on Harbors, Rivers, and Coast Defenses, to consist of five members.
34. Committee on Constitutional Amendments, to consist of seven members.
35. Committee on Banks and Banking, to consist of five members.
36. Committee on Rules, to consist of three members.

## XVII.—COMMITTEES ELECTED BY THE SENATE.

All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be elected by the Senate, unless otherwise specially ordered.

## XVIII.—CLERKSHIPS OF COMMITTEES.

No special or standing committee shall elect a Clerk or Sergeant-at-Arms, without permission of the Senate.

## XIX.—ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

## XX.—CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses. This rule has no application to the election of attachés of the Senate.

## XXI.—ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.



3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

XXII.—MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

XXIII.—READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

XXIV.—SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

XXV.—THE SENATOR ENTITLED TO FLOOR.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

XXVI.—SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

XXVII.—FINAL QUESTION ON SECOND READING OF BILLS—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

XXVIII.—AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

XXIX.—NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator: *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

XXX.—SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

## XXXI.—TITLES OF BILLS MUST BE IN JOURNAL.

The title of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

## XXXII.—WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL—VOTES ALWAYS ENTERED.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted in the Journal.

## XXXIII.—RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

## XXXIV.—CASES NOT PROVIDED FOR, CUSHING TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

## XXXV.—SUSPENDING AND CHANGING RULES.

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule VI relating to the final passage of bills; all proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

## XXXVI.—POWERS AND PREROGATIVES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

## XXXVII.—PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

## XXXVIII.—PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

## XXXIX.—SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

## XL.—MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are being called, or while the ballots are being counted.

## XLI.—DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, members of the Assembly, State officers, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless

invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

#### XLII.—EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

#### XLIII.—PRINTING.

Three hundred and sixty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper printed by order of the Senate shall be delivered to each Senator, and six copies to the committee to whom such bill is referred, and the balance shall be distributed according to law.

#### XLIV.—NUMBER OF COPIES TO BE PRINTED.

Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

#### XLV.—SECRET SESSION.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the Senators, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined by order of the Senate.

#### XLVI.—ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed, in the order of their receipt, by said Engrossing Clerk; and all Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

#### XLVII.—PRINTING THE DAILY JOURNAL.

The Superintendent of State Printing shall print a sufficient number of copies of the Journal of every day's proceedings of the Senate, to supply Senators, daily, during the session, with the Journal of the previous day's proceedings; and, also, a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate required by law.

#### XLVIII.—AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution, shall have the privilege of closing the debate.

#### XLIX.

All committees of the Senate shall report their action on all bills or matters referred to them within five days after reference, unless otherwise specially ordered.

#### L.—FORM OF PREVIOUS QUESTION—CALL OF SENATE.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

Pending the reading of the same, Mr. Langford moved that the further reading be dispensed with.

So ordered.

Mr. Vrooman then submitted the minority report of the Committee on Rules, which was considered as read, and by consent the consideration of the two reports was then proceeded with.

#### MINORITY REPORT.

MR. PRESIDENT: The undersigned, member of the Committee on Rules, begs leave to submit the following minority report of said committee, for adoption, viz.:

The minority of said committee is in accord with the majority thereof in submitting and recommending the adoption of the rules set forth in the majority report, with the exception of Rules Seventeen and Thirty-five.

In lieu of Rules Seventeen and Thirty-five, the undersigned offers and submits the following, viz.:

#### RULE XVII.

All committees of the Senate, standing and special, and all joint committees on the part thereof, shall be appointed by the President, unless otherwise specially ordered.

#### RULE XXXV.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor: but a rule or order may be suspended temporarily by a vote of two thirds of the Senators present, except that portion of Rule Six relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

Respectfully submitted.

HENRY VROOMAN.

Mr. Langford moved to adopt the majority report from Rule One to Sixteen, inclusive.

Mr. White moved to adopt Rules One and Two, as reported.

Adopted.

Mr. Dray moved to restore to the rules incorporated in the majority report Rule Three as it was in the rules governing the last session.

Mr. White moved to amend, that the majority report of the Committee on Rules pertaining to Rule Three be adopted.

Upon adoption of Mr. White's amendment, the ayes and noes were demanded by Messrs. Vrooman, Walrath, and Wilson, with the following result:

AYES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yeil—26.

NOES—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson—14.

Adopted.

Mr. Langford then moved that the rules from Four to Sixteen, inclusive, be also adopted, and it was so ordered.

Mr. Langford moved to adopt the majority report as to Rule Seventeen.

Mr. Bowers moved, as an amendment, the adoption of the minority report.

The ayes and noes were demanded by Messrs. Vrooman, Wilson, and Dray, with the following result:

AYES—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson—14.

NOES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, and White—24.

Lost.

The motion of Mr. Langford on the adoption of Rule Seventeen, as presented in the majority report, was then adopted.



Mr. Langford then moved to adopt the majority report from Rule Eighteen to Thirty-four, inclusive, and it was so ordered.

Mr. Langford moved the adoption of the majority report as to Rule Thirty-five.

Mr. Vrooman moved, as an amendment, that the minority report as to Rule Thirty-five be adopted.

On the adoption of the amendment proposed by Mr. Vrooman, the ayes and noes were demanded by Messrs. Vrooman, Wilson, and Dray, and the amendment was lost by the following vote :

AYES—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Steele, Vrooman, Walrath, and Wilson—14.

NOES—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell—23.

Mr. Langford moved to adopt the balance of the majority report of the Committee on Rules.

So ordered.

#### RESOLUTION.

Mr. Jones introduced the following resolution:

*Resolved*, That the following standing committees, when appointed, shall be entitled to clerks, who shall be nominated by the Chairman of each committee, and shall receive the per diem herein named, to be paid out of the Contingent Fund of the Senate:

1. Committee on Agriculture, one clerk, at five dollars per diem.
2. Committee on Claims, one clerk, at five dollars per diem.
3. Committee on Commerce and Navigation, one clerk, at five dollars per diem.
4. Committee on Attachés, Contingent Expenses, and Mileage, one clerk, at five dollars per diem.
5. Committee on Corporations, one clerk, at five dollars per diem.
6. Committee on Counties, County Government, and Township Organization, one clerk, at five dollars per diem.
7. Committee on Education, one clerk, at five dollars per diem.
8. Committee on Engrossed Bills, one clerk, at five dollars per diem.
9. Committee on Finance, one clerk, at five dollars per diem.
10. Committee on Hospitals, one clerk, at five dollars per diem.
11. Committee on Judiciary, two clerks, at eight dollars per diem.
12. Committee on Military Affairs, one clerk, at five dollars per diem.
13. Committee on Mines, Drainage, and Mining Debris, one clerk, at five dollars per diem.
14. Committee on Public Buildings other than Prison Buildings, one clerk, at five dollars per diem.
15. Committee on Public and Swamp and Overflowed Lands, one clerk, at five dollars per diem.
16. Committee on Public Morals, one clerk, at five dollars per diem.
17. Committee on Public Printing, one clerk, at five dollars per diem.
18. Committee on Roads and Highways, one clerk, at five dollars per diem.
19. Committee on State Prison and Prison Buildings, one clerk, at five dollars per diem.
20. Committee on Irrigation and Water Rights, one clerk, at five dollars per diem.
21. Committee on Fish and Game, one clerk, at five dollars per diem.
22. Committee on Elections, one clerk, at five dollars per diem.
23. Committee on City, City and County, and Town Governments, one clerk, at five dollars per diem.
24. Committee on Labor and Capital, one clerk, at five dollars per diem.
25. Committee on Chinese and Chinese Immigration, one clerk, at five dollars per diem.
26. Committee on Forestry, Yosemite Valley, and Mariposa Big Trees, one clerk, at five dollars per diem.
27. Committee on Immigration other than Chinese Immigration, one clerk, at five dollars per diem.
28. Committee on Viticulture and Viniculture, one clerk, at five dollars per diem.
29. Committee on Harbors, Rivers, and Coast Defenses, one clerk, at five dollars per diem.
30. Committee on Constitutional Amendments, one clerk, at five dollars per diem.
31. Committee on Banks and Banking, one clerk, at five dollars per diem.
32. Committee on State Library, one clerk, at five dollars per diem.



Mr. Caminetti offered the following amendment: "No clerk of any of the foregoing committees shall be appointed until the Chairman of the committee having authority to appoint a clerk shall deem it necessary for the business of the committee."

The amendment prevailed, and the resolution so amended was adopted.

Mr. Goucher offered the following resolution:

*Resolved*, That the following constitute the membership of the several standing committees of the Senate, viz:

On Agriculture—Messrs. Dixon, Chairman; Hinshaw, Langford, Sargent, Rose, Roth, Chandler, Steele, and Bowers.

On Claims—Messrs. Meany, Chairman; McDonald, Lenahan, McCudden, McCarthy, Vrooman, and Dray.

On Commerce and Navigation—Messrs. Sullivan, Chairman; Spellacy, Haynes, Lenahan, Pinder, Byrnes, and Wilson.

On Attachés, Contingent Expenses, and Mileage—Messrs. Murphy, Chairman; Hinshaw, McCudden, Hall, and Patterson.

On Corporations—Messrs. Goucher, Chairman; Moffitt, McCudden, Yell, Meany, Sargent, Rose, White, Steele, Wilson, and Chandler.

On Counties, County Government, and Township Organization—Messrs. Caminetti, Chairman; Gesford, Moffitt, Jones, Chandler, Steele, and Abbott.

On Education—Messrs. Gesford, Chairman; Caminetti, Hinshaw, Haynes, Hall, Conklin, and Bowers.

On Engrossed Bills—Messrs. Spellacy, Chairman; Dixon, Sullivan, McDonald, Crimmins, Crandall, and Steele.

On Enrolled Bills—Messrs. Roth, Chairman; Lenahan, Pinder, Sullivan, Abbott, Byrnes, and McDonald.

On Federal Relations—Messrs. Jones, Chairman; Clunie, White, Crimmins, and Hall.

On Finance—Messrs. Moffitt, Chairman; Boggs, White, Langford, Vrooman, Dray, and Patterson.

On Hospitals—Messrs. Briceland, Chairman; Meany, McCarthy, Patterson, and Crandall.

On Judiciary—Messrs. Clunie, Chairman; Haynes, Goucher, White, Gesford, Jones, Yell, Vrooman, Wilson, Abbott, and Crandall.

On Military Affairs—Messrs. McCarthy, Chairman; Spellacy, McDonald, Yell, Crimmins, Wilson, and Jones.

On Mines, Drainage, and Mining Debris—Messrs. Goucher, Chairman; Caminetti, McCarthy, Clunie, Chandler, Walrath, and Conklin.

On Public Buildings other than Prison Buildings—Messrs. McCudden, Chairman; Meany, Pinder, Langford, McCarthy, Vrooman, and Abbott.

On Public Swamp and Overflowed Lands—Messrs. Langford, Chairman; Moffitt, McDonald, Conklin, and Bowers.

On Public Morals—Messrs. Haynes, Chairman; Roth, and Chandler.

On Public Printing—Messrs. McDonald, Chairman; Pinder, and Abbott.

On Roads and Highways—Messrs. Hinshaw, Chairman; Roth, Dixon, Briceland, Patterson, Hall, and Byrnes.

On State Library—Messrs. Murphy, Chairman; Briceland, and Bowers.

On State Prison and Prison Buildings—Messrs. Jones, Chairman; Murphy, Briceland, Moffitt, Langford, Wilson, Abbott, Lenahan, and Yell.

On Irrigation and Water Rights—Messrs. White, Chairman; Roth, Boggs, Yell, Caminetti, Walrath, Wilson, Abbott, and Bowers.

On Fish and Game—Messrs. Sargent, Chairman; McCarthy, Jones, Crimmins, and Walrath.

On Elections—Messrs. Caminetti, Chairman; Clunie, Dixon, Sargent, Pinder, Hall, and Byrnes.

On City, City and County, and Town Governments—Messrs. Moffitt, Chairman; White, Goucher, Yell, Boggs, Byrnes, and Walrath.

On Labor and Capital—Messrs. Boggs, Chairman; Spellacy, Rose, Dray, and Chandler.

On Chinese and Chinese Immigration—Messrs. Lenahan, Chairman; Gesford, Sargent, Roth, Crimmins, Patterson, and Conklin.

On Apportionment and Representation—Messrs. Lenahan, Chairman; Dixon, Briceland, Sullivan, Murphy, Chandler, Dray, Steele, and Bowers.

On Forestry and Yosemite Valley and Mariposa Big Tree Grove—Messrs. Boggs, Chairman; Goucher, Meany, Pinder, and Byrnes.

On Immigration other than Chinese Immigration—Messrs. Yell, Chairman; Rose, Haynes, Abbott, and Bowers.

On Viticulture and Vitiiculture—Messrs. Rose, Chairman; Gesford, Caminetti, Hall, and Bowers.

On Banks and Banking—Messrs. Gesford, Chairman; Boggs, Pinder, Vrooman, and Wilson.

On Rules—Messrs. Langford, Chairman; Jones, and Vrooman.

On Constitutional Amendments—Messrs. Yell, Chairman; Boggs, White, Haynes, Caminetti, Vrooman, and Steele.

On Harbor, River, and Coast Defenses—Messrs. Langford, Chairman; Spellacy, Pinder, Crimmins, and Byrnes.

Mr. White moved that the Senate take a recess until one o'clock and thirty minutes this P. M.

Pending the consideration of Mr. White's motion, the hour for recess under the rules having arrived, the President declared a recess of the Senate until two o'clock this P. M.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson.

#### MESSAGE FROM THE GOVERNOR.

Mr. Goucher moved to take up messages from the Governor.

So ordered.

The following message from the Governor was then read :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 10, 1887. }

*To the Senate of the State of California :*

I have the honor to inform you that I have appointed Columbus Bartlett, of the City of Alameda, State of California, my Private Secretary, through whom all communications from this office will be transmitted to your honorable body.

WASHINGTON BARTLETT, Governor.

Reading of Mr. Goucher's resolution providing for the appointment of the standing committees of the Senate, pending when the Senate took a recess, was resumed, and, being concluded, Mr. Goucher moved a call of the Senate.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson.

Mr. Vrooman moved that further proceedings under the call be dispensed with.

So ordered.

Thereupon, on motion of Mr. White, the resolution introduced by Mr. Goucher, providing for the appointment of standing committees, was adopted.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. White: Senate Bill No. 1—An Act to provide two addi-

tional Judges of the Superior Court of the County of Los Angeles, State of California.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 2—An Act to provide for, authorize, and limit the granting of franchises and rights to construct and operate steam railroads in streets and avenues of incorporated cities and counties, cities and towns, and afford security from accidents therein.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Bowers: Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California.

Referred to Committee on Irrigation.

By Mr. Briceland: Senate Bill No. 4—An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor.

Referred to Committee on Education.

By Mr. Pinder (by request): Senate Bill No. 5—An Act to provide for the payment of the claims for the per diem, and legal interest upon the same, of the members and attachés of the Constitutional Convention.

Referred to Committee on Claims.

By Mr. Goucher: Senate Bill No. 6—An Act entitled "An Act to amend section two hundred and ninety-seven of the Code of Civil Procedure of the State of California."

Referred to Committee on Judiciary.

By Mr. Meany: Senate Bill No. 7—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending section one thousand and forty-six thereof, relating to forming juries in criminal causes.

Referred to Committee on Judiciary.

By Mr. Chandler: Senate Bill No. 8—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, numbered one hundred and eighty, for the punishment of contempt of Court.

Referred to Committee on Judiciary.

Also, Senate Bill No. 9—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions, and the service of summons therein.

Referred to Committee on Judiciary.

By Mr. Abbott: Senate Bill No. 10—An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article exempting fishing boats and nets from execution.

Referred to Committee on Judiciary.

Also, Senate Bill No. 11—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, numbered twelve hundred and eighty, making acknowledgments taken and certified according to the laws of other States and Territories valid in this State.

Referred to Committee on Judiciary.

Also, Senate Bill No. 12—An Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform

system of county and township governments," approved March 14, 1883.

Referred to Committee on Judiciary.

By Mr. Bowers: Senate Bill No. 13—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

Referred to Committee on Judiciary.

Also, Senate Bill No. 14—An Act to amend section one hundred and ninety-three of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation of county and township officers, and to the appointment and salaries of deputies and extra deputies in counties of the thirty-first class.

Referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 15—An Act to provide an additional Judge of the Superior Court of the County of San Bernardino.

Referred to Committee on Judiciary.

Pending the introduction of bills, Mr. Caminetti moved that the roll be called, and as each member's name is called he then be allowed to introduce any bills he may have prepared.

So ordered.

The calling of the roll was then proceeded with and the introduction of bills resumed, as follows:

By Mr. Jones: Senate Bill No. 16—An Act to amend section one thousand nine hundred and twelve, one thousand nine hundred and twenty-nine, one thousand nine hundred and ninety, two thousand and twenty-two, two thousand and twenty-six, and two thousand and ninety-four, and to add a new section, to be known as section two thousand and twenty-seven of the Political Code, relating to the State militia.

Referred to Committee on Military Affairs.

Also, Senate Bill No. 17—An Act to amend "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March 30, 1878, by making applicable thereto section one thousand one hundred and ninety-five of the Code of Civil Procedure.

Referred to Committee on Judiciary.

By Mr. Chandler: Senate Bill No. 18—An Act to amend section five hundred and twenty-seven of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to injunctions and service thereof.

Referred to Committee on Judiciary.

By Mr. Crandall: Senate Bill No. 19—An Act to provide for the opening of new streets, and for the extending, widening, and straightening of existing streets within municipalities.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Dixon: Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Referred to Committee on Roads and Highways.

By Mr. Dray: Senate Bill No. 21—An Act to amend sections one thousand one hundred and twenty-nine, one thousand one hundred and sixty, one thousand one hundred and ninety-two, one thousand



two hundred and three, one thousand two hundred and four, one thousand two hundred and twelve, one thousand two hundred and twenty-five, one thousand two hundred and twenty-six, one thousand two hundred and twenty-seven, one thousand two hundred and forty-two, and one thousand three hundred and fifty-eight of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Referred to the Committee on Elections.

Also, Senate Bill No. 22—An Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Referred to the Committee on Education.

Also, Senate Bill No. 23—An Act to provide for the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to special orders number twenty-six, series eighteen hundred and eighty, issued from General Headquarters.

Referred to the Committee on Claims.

Also, Senate Bill No. 24—An Act to amend section forty-seven of the Code of Civil Procedure, relating to the time and place of holding sessions of the Supreme Court.

Referred to the Committee on Judiciary.

By Mr. Gesford: Senate Bill No. 25—An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial.

Referred to Committee on Judiciary.

Also, Senate Bill No. 26—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Referred to Committee on Viniculture and Viticulture.

Also, Senate Bill No. 27—An Act entitled "An Act to amend section one thousand five hundred and twenty-one of an Act entitled 'An Act to establish a Political Code,'" approved March 12, 1872, relating to public schools.

Referred to Committee on Education.

Also, Senate Bill No. 28—An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California.

Referred to Committee on Education.

Also, Senate Bill No. 29—An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public.

Referred to Committee on Judiciary.

By Mr. Goucher: Senate Bill No. 30—An Act making an appropriation for the support and maintenance of the State Mining Bureau for the thirty-ninth and fortieth fiscal years.

Referred to Committee on Mines and Mining.

By Mr. Goucher: Senate Bill No. 31—Entitled "An Act to amend section three thousand seven hundred and seventy-seven of the Political Code of California."

Referred to Committee on Judiciary.



Also, Senate Bill No. 32—An Act to amend section one hundred and twenty-six of "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Langford: Senate Bill No. 33—An Act to amend section three hundred and sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to the acquisition and holding of real property by corporations, and the distribution thereof to stockholders.

Referred to Committee on Corporations.

By Mr. McCarthy: Senate Bill No. 34—An Act to provide for the better protection and security of life and property in the use of steam boilers.

Referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 35—An Act to regulate the employment of gripmen, conductors, and drivers on street railways; to provide for granting licenses to competent persons, and to provide further safeguards to life and property in the matter of operating such railways.

Referred to Committee on Labor and Capital.

By Mr. McCarthy: Senate Bill No. 36—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled "An Act to define, regulate, and govern State Prisons of California."

Referred to Committee on State Prison and Prison Buildings.

Also, Senate Bill No. 37—An Act making an appropriation for the relief of certain employes and other creditors of the State.

Referred to Committee on Claims.

By Mr. Moffitt: Senate Bill No. 38—An Act to establish the California State Weather Service, and making an appropriation therefor.

Referred to Committee on Finance.

Also, Senate Bill No. 39—An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Referred to Committee on Banks and Banking.

By Mr. Murphy: Senate Bill No. 40—An Act to provide an appeal to the Supreme Court in habeas corpus cases, and to add a new section to the Penal Code.

Referred to Committee on Judiciary.

By Mr. Rose: Senate Bill No. 41—An Act to encourage tree planting within the State of California.

Referred to Committee on Forestry.

Also, Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

Referred to Committee on Forestry.

By Mr. Sargent: Senate Bill No. 43—An Act for the protection of persons and animals on the public highways of this State.

Referred to Committee on Roads and Highways.

Also, Senate Bill No. 44—An Act to amend section two thousand six hundred and forty-three of the Political Code, relating to the power of Supervisors over roads in the several counties of this State.

Referred to Committee on Roads and Highways.

Also, Senate Bill No. 45—An Act for the relief of William Pyburn

or assigns for services rendered as private in defending the eastern frontier against the attacks of Indians.

Referred to Committee on Claims.

Also, Senate Bill No. 46—An Act to amend section six hundred and thirty-three of the Penal Code, relating to violations of the law for the preservation of fish.

Referred to Committee on Fish and Game.

By Mr. Steele: Senate Bill No. 47—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and seventy-three.

Referred to Committee on Banks and Banking.

By Mr. Vrooman: Senate Bill No. 48—An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Referred to Committee on Public Buildings.

Also, Senate Bill No. 49—An Act to provide for the permanent support of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Referred to Committee on Public Buildings.

By Mr. Walrath: Senate Bill No. 50—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum.

Referred to Committee on Claims.

Also, Senate Bill No. 51—An Act to provide for the impounding of mining debris.

Referred to Committee on Mines and Mining.

By Mr. Wilson: Senate Bill No. 52—An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two.

Referred to Committee on Judiciary.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were introduced as follows:

By Mr. Caminetti:

*Resolved*, That the Committee on Inaugural Ball be tendered the use of the Senate Chamber from and after the adjournment of the Senate this week up to ten o'clock A. M. Tuesday, January 18, 1887.

Adopted.

By Mr. Gesford:

*Resolved*, That the per diem of the clerks of the standing committees of the Senate shall commence upon the date notice of the appointment of said clerks shall be filed by the Chairmen of said respective standing committees with the Secretary of the Senate.

Adopted.

By Mr. Caminetti:

*Resolved*, That Charles Lenahan be and he is hereby appointed Messenger to the Judiciary Committee, at the same rate per diem as the Porter of said committee, payable out of the Contingent Fund of the Senate.

Mr. Chandler moved to refer the resolution to the Committee on Attachés and Contingent Expenses.

So ordered.

By Mr. Goucher:

*Resolved*, That the State Printer be authorized and directed to print seven hundred and fifty copies of the Standing Rules of the Senate, for the use of members of the Legislature.

Adopted.

By Mr. Lenahan:

*Resolved*, That Mary Mails be and she is hereby appointed Assistant Postmistress of the Senate, at a per diem of three dollars per day, payable out of the Contingent Fund of the Senate.

On motion of Mr. Dray, the above resolution was referred to the Committee on Attachés.

By Mr. Moffitt:

*Resolved*, That the Secretary of State be requested to have the dome of the Capitol building lighted during the evening of Monday, January 17, 1887, upon the occasion of the inaugural ball, and the expense thereof be paid out of the Contingent Fund of the Senate.

Adopted.

By Mr. White:

*Resolved*, That J. J. McCarthy, Assistant Secretary of the Senate, be and he is hereby allowed the same per diem as allowed by law to Assistant Secretaries of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

#### ADJOURNMENT.

At three o'clock P. M., on motion of Mr. Chandler, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER.

Thursday, January 13, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellaey, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Pending the reading of the Journal, on motion of Mr. Chandler, the reading of the standing rules was dispensed with.

On motion of Mr. Goucher, the reading of the standing committees was also dispensed with.

Pending the reading of the introduction of bills, Mr. Abbott moved to dispense with the further reading under that head.

The Journal of yesterday read, corrected, and approved.

#### REPORT OF STANDING COMMITTEE.

##### ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January —, 1887.

MR. PRESIDENT: The Committee on Attachés, Contingent Expenses, and Mileage, having had under consideration the mileage of the Lieutenant-Governor and Senators for the twenty-seventh session, beg leave to report that the following are entitled to the mileage set opposite their respective names:

NAMES.	Miles.	Amount.	NAMES.	Miles.	Amount.
J. P. Abbott.....	178	\$17 80	D. J. McCarthy.....	168	\$16 80
John Boggs.....	184	18 40	James McCudden.....	124	12 40
W. W. Bowers.....	1,132	113 20	Thos. H. McDonald.....	168	16 80
J. M. Briceland.....	354	35 40	A. J. Meany.....	228	22 80
James M. Byrnes.....	202	20 20	Frank J. Moffitt.....	182	18 20
A. Caminetti.....	118	11 80	P. J. Murphy.....	168	16 80
A. L. Chandler.....	76	7 60	W. H. Patterson.....	710	71 00
T. J. Clunie.....	168	16 80	Thos. J. Pinder.....	168	16 80
E. B. Conklin.....	256	25 60	L. J. Rose.....	956	95 60
A. W. Crandall.....	256	25 60	John Roth.....	466	46 60
P. J. Crimmins.....	168	16 80	B. V. Sargent.....	372	37 20
M. W. Dixon.....	242	24 20	John Spellacy.....	168	16 80
F. R. Dray.....			Geo. Steele.....	586	58 60
H. C. Gesford.....	122	12 20	J. J. Sullivan.....	168	16 80
Geo. G. Goucher.....	312	31 20	Henry Vrooman.....	182	18 20
A. P. Hall.....	60	6 00	A. Walrath.....	142	14 20
John P. Haynes.....	624	62 40	S. M. White.....	956	95 60
E. C. Hinshaw.....	276	27 60	J. N. E. Wilson.....	168	16 80
Albert F. Jones.....	156	15 60	A. Yell.....	410	41 00
B. F. Langford.....	96	9 60	Lieutenant-Governor Water-		
John Lenahan.....	168	16 80	man.....	1,176	117 60

And the committee recommend that the Controller be instructed to draw his warrants for the amounts above set forth, in favor of the Lieutenant-Governor and Senators named, upon the Mileage Fund of the Senate.

MURPHY, Chairman.

On motion of Mr. Murphy, the report was adopted.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. White: Senate Bill No. 53—An Act to amend section one thousand six hundred and sixty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the distribution of estates of non-resident decedents dying testate.

Referred to Committee on Judiciary.

Also, Senate Bill No. 54—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and thirty-nine, relating to salaries of officers connected with the Supreme Court.

Referred to Committee on Judiciary.



Also, Senate Bill No. 55—An Act to amend an Act entitled "An Act in relation to the care of orphan and abandoned children," approved March 7, 1883.

Referred to Committee on Judiciary.

Also, Senate Bill No. 56—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, of Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents.

Referred to Committee on Judiciary.

By Mr. Clunie (by request): Senate Bill No. 57—An Act to amend sections four hundred and nineteen and four hundred and twenty of the Civil Code of the State of California, all of said sections relating to insurance.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 58—An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine, and six hundred and thirty, of the Political Code of the State, all of said sections relating to insurance.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 59—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 60—An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also (by request), Senate Bill No. 61—An Act making an appropriation for rent and contingent expenses of Insurance Commissioner, for the thirty-seventh fiscal year.

Referred to Committee on Finance.

Also (by request), Senate Bill No. 62—An Act to amend section three thousand four hundred and sixty-eight of the Civil Code.

Referred to the Committee on Judiciary.

Also (by request), Senate Bill No. 63—An Act to repeal section number four hundred and fifty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, which section was approved March 23, 1885, and relates to mutual, life, health, and accident insurance corporations.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 64—An Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 65—An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven of the same Code, authorizing and regulating actions against the State of California.

Referred to Committee on Judiciary.



Also (by request), Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution as submitted at the general election November 2, 1886.

Referred to Committee on Finance.

Also (by request), Senate Bill No. 67—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers and gripmen, and to amend section three thousand two hundred and forty-four of said Code.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 68—An Act to regulate the hours of labor in the street railroads chartered under the laws of the State of California in cities, or cities and counties, of over one hundred thousand inhabitants.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 69—An Act to create and maintain a relief and pension fund in the police department of all cities in this State having a police force of ten or more members, and to provide for the administration of such fund.

Referred to Committee on Judiciary.

By Mr. Boggs: Senate Bill No. 70—An Act to establish an asylum for insane criminals of the State of California.

Referred to Committee on State Prison and Prison Buildings.

By Mr. Bowers: Senate Bill No. 71—An Act to prohibit the assessment and collection of any tax or license for the manufacture or sale of the native wines of California.

Referred to Committee on Viniculture and Viticulture.

By Mr. Sargent: Senate Bill No. 72—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Langford: Senate Bill No. 73—An Act to provide for the formation, management, and control of irrigation districts.

Referred to Committee on Irrigation and Water Rights.

By Mr. McCarthy: Senate Bill No. 74—An Act to pay the claim of Jesse A. Galland.

Referred to Committee on Claims.

Also, Senate Bill No. 75—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Thomas Curtin.

Referred to Committee on Claims.

Also, Senate Bill No. 76—An Act to pay the claim of J. F. Gawthorne.

Referred to Committee on Claims.

Also, Senate Bill No. 77—An Act to pay the claim of Edwin J. Smith.

Referred to Committee on Claims.

By Mr. Caminetti: Senate Bill No. 78—An Act to amend section one hundred and seventy of the Code of Civil Procedure, relating to disqualifications of Judges.

Referred to Committee on Judiciary.

By Mr. Sullivan: Senate Bill No. 79—An Act for the relief of George Nightingale, Michael Ryan, Joseph Rosa, Bridget Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Anna Elizabeth Sneider, Eliza Kelleher, William J. Nightingale, Margaret Coogan, Bridget L. Ryan, Elizabeth Overend, Thomas Dillon, Patrick Garrigan, Bridget F. Houston, Timothy Murphy, James McGeough, Otis Berge, James Hartford, and Ellen J. McArevey.

Referred to Committee on Claims.

By Mr. Gesford: Senate Bill No. 80—An Act to amend section six hundred and twenty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Referred to Committee on Fish and Game.

By Mr. Wilson: Senate Bill No. 81—An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code in relation to insurance," approved April 1, 1878.

Referred to Committee on Judiciary.

Also, Senate Bill No. 82—An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two.

Referred to Committee on Judiciary.

Also, Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing corporations to act as executor and in other capacities.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending section seven hundred and sixty-four thereof, relative to the powers of the Board of Trustees of cities of the fifth class.

Referred to Committee on City, City and County, and Town Governments.

#### SPECIAL ORDER.

Mr. Boggs moved to take up, out of order, the special order set for two o'clock this afternoon.

So ordered.

Mr. Boggs moved to go into executive session to consider the nominations made in the message of Governor Stoneman on the sixth of January, 1886.

Carried.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 6, 1886. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that since the adjournment of the twenty-sixth session of the Legislature I have made the following appointments, and respectfully request the consent of the Senate to the same:

April 3, 1885—Charles H. Randall, Director of the State Insane Asylum at Stockton, vice Caleb Dorsey, deceased.

June 20, 1885—Pilot Commissioners for the Harbor of Humboldt Bay and Bar: Peter Belcher, H. Kingston, and William Carson.

July 6, 1885—Theodore A. Lord, Trustee of the Asylum for the Deaf, Dumb, and Blind, vice W. C. Harrington, resigned.

August 7, 1885—D. M. Delmas, Regent of the University of California, vice W. S. Rosecrans, resigned.

October 10, 1885—William H. Thornby, Commissioner of Immigration, vice P. A. Forrester, deceased.

December 9, 1885—Thomas J. Sherwood, Fish Commissioner, vice J. D. Redding, resigned.

January 9, 1886—Robert T. Devlin, member of State Board of Prison Directors, vice himself, term expired.

February 27, 1886—I. W. Hellman, Regent of the University of California, vice himself, term expired, and W. T. Wallace, Regent of the University of California, vice himself, term expired.

March 26, 1886—Frank McCoppin, Harbor Commissioner, vice William Irwin, deceased.

April 14, 1886—Directors of the State Insane Asylum at Napa: W. F. Henning, vice J. M. Landin, term expired; J. C. Martin, vice himself, term expired; George N. Cornwall, vice D. L. Haas, term expired.

July 19, 1886—David W. Weldt, Pilot for the Port of Wilmington, vice Thomas Bowers, removed.

October 2, 1886—Eugene Lehe, of Stockton, Brigadier-General Third Brigade, N. G. C., vice James A. Shepherd, resigned.

GEORGE STONEMAN, Governor.

#### MESSAGE CONSIDERED.

List of appointments read and considered in their order, as follows:

Appointment of Charles H. Randall, to be Director of the State Insane Asylum at Stockton, vice Caleb Dorsey, deceased. Appointment made April 3, 1885.

Coming up for consideration, the roll of Senators was called, and the appointment was consented to by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—37.

NOES—None.

On motion of Mr. Boggs, the appointment of Peter Belcher, H. Kingston, and William Carson, to be Pilot Commissioners for the harbor of Humboldt Bay and Bar, were then acted upon in the order named. Said appointments dated June 20, 1885.

On the appointment of Peter Belcher, the roll was called, and the appointment consented to by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—37.

NOES—None.

On the appointment of H. Kingston, the roll was called, and the appointment consented to by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—37.

NOES—None.

On the appointment of Wm. Carson, the roll was called, and the appointment consented to by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—39.

NOES—None.

Mr. Boggs moved that the appointment of Theodore A. Lord (dated July 6, 1885), as a Trustee of the Asylum of the Deaf, Dumb, and Blind, vice W. C. Harrington, resigned, be consented to.

Mr. Clunie moved, as an amendment, that the appointment of Mr. Lord be referred to the Committee on Judiciary.

Mr. Abbott moved, as an amendment to the amendment, that the appointment be considered at this time.

On motion of Mr. Bowers, certain charges preferred against Mr. Lord, now in the possession of the Senate, were read from the Secretary's desk. After the reading of the charges referred to, Mr. Abbott withdrew his amendment to consider the appointment at this time, and in lieu thereof, moved, as an amendment to Mr. Clunie's motion, that the appointment be referred to a special committee, consisting of Senators Rose, Dixon, and Chandler, with instructions to report at an early day.

Mr. Clunie, accepting the proposed amendment of Mr. Abbott, it was so ordered.

On motion of Mr. Boggs, the appointment of D. M. Delmas a Regent of the State University of California, vice W. S. Rosecrans, resigned (dated August 7, 1885), was then considered, and the Senate consented thereto by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—38.

NOES—None.

Also, that the appointment of Wm. H. Thornby as Commissioner of Immigration, vice P. A. Forrester, resigned (dated October 10, 1885), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—None.

Also, that the appointment of T. J. Sherwood as Fish Commissioner, vice J. D. Redding, resigned (dated December 9, 1885), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—None.

Also, the appointment of R. T. Devlin member of the State Board of Prison Directors, vice himself, term expired (dated July 9, 1886), be consented to.



The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—39.

NOES—None.

Also, that the appointment of I. W. Hellman as Regent of the State University of California, vice himself, term expired, and W. T. Wallace a Regent of the State University of California, vice himself, term expired (dated February 27, 1886), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—37.

NOES—None.

On the confirmation of W. T. Wallace, the roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—38.

NOES—None.

Also, that the appointment of Frank McCoppin, Harbor Commissioner, vice William Irwin, deceased (dated March 26, 1886), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—36.

NOES—None.

Also, the appointment of W. F. Henning a Director of the State Insane Asylum at Napa, vice J. M. Lamdin, term expired (dated April 14, 1886), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—35.

NOES—None.

Also, that the appointment of J. C. Martin a Director of the State Insane Asylum at Napa, vice himself, term expired (dated April 14, 1886), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—34.

NOES—None.



Also, that the appointment of Geo. N. Cornwall to be a Director of the State Insane Asylum at Napa, vice D. L. Haas, term expired (dated April 14, 1886), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Steele, Walrath, White, Wilson, and Yell—33.

NOES—None.

Also, that the appointment of David W. Weldt, a Pilot for the port of Wilmington, vice Thomas Bowers, removed (dated July 19, 1886), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Steele, Walrath, White, Wilson, and Yell—31.

NOES—None.

Also, that the appointment of Eugene Lehe, of Stockton, Brigadier-General, Third Brigade, N. G. C., vice James A. Shepherd, resigned (dated October 2, 1886), be consented to.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Steele, Walrath, White, Wilson, and Yell—34.

NOES—None.

#### RESOLUTIONS—(OUT OF ORDER).

By consent, Mr. Murphy presented the following resolutions:

*Resolved*, That the per diem of the Chaplain of the Senate be and is hereby fixed at five dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Also:

*Resolved*, That the per diem of the Clerk of the Sergeant-at-Arms be fixed at the same rate as that of the clerks at the desk, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Briceland:

*Resolved*, That W. S. Lynn be and he is hereby appointed Doorkeeper of the Senate Chamber, at a per diem as Watchman on the floor, payable out of the Contingent Fund of the Senate.

On motion of Mr. Murphy, the above resolution was referred to Committee on Attachés.

#### RECESS.

At one o'clock and five minutes, on motion of Mr. Goucher, the Senate took a recess until two o'clock this P. M.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

MESSTRS. Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, Meany, Patterson, Roth, Sargent, Spellacy, Vrooman, Walrath, White, and Wilson.

## REPORTS—(OUT OF ORDER).

By Mr. McCudden, as follows:

SENATE CHAMBER, SACRAMENTO, January 13, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Mary Mails be and she is hereby appointed Postmistress of the Senate, at a per diem of three dollars per day, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Mr. Caminetti moved the adoption of the report, and it was so ordered.

Also:

SENATE CHAMBER, SACRAMENTO, January 13, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Charles Lenahan be and he is hereby appointed Messenger to the Judiciary Committee, at the same rate per diem as the Porter of said committee, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

Mr. White offered the following concurrent resolution:

*Be it resolved by the Senate, the Assembly concurring*, That when the Houses of the Legislature adjourn to-day, such adjournment be taken until Tuesday, January eighteenth, at eleven o'clock A. M.

Adopted, and ordered transmitted to the Assembly forthwith.

## REPORTS—(OUT OF ORDER)—RESUMED.

By Mr. McCudden:

SENATE CHAMBER, SACRAMENTO, January 13, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That John Kafod be and is hereby appointed Messenger to the Senate, to be stationed in the office of the Sergeant-at-Arms, to serve at a salary of three dollars per diem.

Have had the same under consideration, and respectfully report the same back, and recommend that the following amendment be added thereto, and that the same be adopted: add after the words "per diem" the following: "Payable out of the Contingent Fund of the Senate."

MURPHY, Chairman.

The question being upon the adoption of the report, a vote was had and the report was not agreed to.

Also, by Mr. McCudden, the following report:

SENATE CHAMBER, SACRAMENTO, January 13, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Thomas Coleman, Assistant Sergeant-at-Arms of the Senate during the extra session of the twenty-sixth session of the Legislature, and who, as a statutory officer, came to assist at the organization of the twenty-seventh session, be and is hereby allowed sixteen dollars and eighty cents mileage, the same to be paid out of the proper fund.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted, on the ground that the Senate has no authority in law for the allowance of the mileage.

MURPHY, Chairman.

Mr. Caminetti moved the adoption of the report.

The ayes and noes were demanded by Messrs. Meany, Moffitt, and Gesford, and the report was adopted by the following vote:

AYES—MESSRS. Abbott, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Patterson, Roth, Sargent, Steele, Walrath, Wilson, and Yell—19.

NOES—MESSRS. Bowers, Briceland, Chandler, Clunie, Lenahan, McCarthy, McDonald, Meany, Moffitt, Pinder, and Spellacy—11.

Mr. Caminetti moved to take up Assembly messages.

So ordered.

#### ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted a resolution requesting the Senate Committee on Rules to act in conjunction with the Assembly Committee on Rules, for the purpose of preparing a set of joint rules to govern the Senate and Assembly.

FRANK D. RYAN, Chief Clerk.

On motion of Mr. Moffitt, it was ordered that the Senate Committee on Rules be instructed to act in conjunction with the Assembly Committee on Rules, in the matter of preparing a set of joint rules for the government of the Senate and Assembly.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Moffitt: Senate Bill No. 85—An Act to add new sections to an Act entitled "An Act to provide for analyzing the minerals, mineral waters, and other liquids, and the medicinal plants of the State of California, and of foods and drugs, to prevent the adulteration of the same."

Referred to Committee on Education.

By Mr. Goucher: Senate Bill No. 86—An Act providing for the payment to D. Jordan for work and labor performed upon and materials furnished in the construction of the State Prison at Folsom.

Referred to Committee on Claims.

By Mr. Murphy: Senate Bill No. 87—An Act to provide for the removal of the Mineral Cabinet from the State Library.

Referred to Committee on State Library.

By Mr. Yell (by request): Senate Bill No. 88—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February

14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VIII thereof, to be known as section three hundred and ten.  
Referred to Committee on Judiciary.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. McCarthy:

*Resolved.* That Phillip Fay be and he is hereby appointed Clerk to the San Francisco delegation, at a per diem of eight dollars.

Mr. Hinshaw moved the reference of the above resolution to the Committee on Attachés, Contingent Expenses, and Mileage.

Lost.

Mr. Chandler moved to amend the resolution by striking out the word "eight" in the resolution, and insert in lieu thereof the word "five."

The amendment prevailed, and the resolution, so amended, was then adopted.

#### RECESS.

At two o'clock and twenty-five minutes, on motion of Mr. Goucher, the Senate took a recess of ten minutes.

#### REASSEMBLED.

At two o'clock and thirty-five minutes the Senate reassembled.

President Waterman in the chair.

Roll call dispensed with.

#### ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. Gesford, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Friday, January 14, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Immediately after prayer, Senator Caminetti announced to the Senate that he had received a telegram from Senator Jones, announcing the death of his child last night.

Whereupon, Mr. Yell offered the following resolution, which was unanimously adopted and ordered transmitted by telegraph to Senator Jones at Oroville:

*Resolved*, That the Senate learns with deep regret the sad bereavement which has befallen our brother Senator, A. F. Jones, in the loss of his little one, and we extend to him and his sorrowing family our heartfelt sympathy and condolence.

Journal of yesterday read and approved.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Conklin: Senate Bill No. 89—An Act to appropriate money for the support of the California Home for the Care and Training of Feeble-Minded Children, from the first day of January, 1887, to the first day of July, 1887.

Referred to the Committee on Public Buildings.

Also, Senate Bill No. 90—An Act to authorize and empower the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children to build an addition to the Home, and to provide funds for the maintenance of said institution.

Referred to Committee on Public Buildings.

By Mr. Dray: Senate Bill No. 91—An Act to amend sections one, five, six, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Referred to Committee on Judiciary.

By Mr. Patterson: Senate Bill No. 92—An Act to prevent the spread of contagious diseases among sheep.

Referred to Committee on Agriculture.

#### RESOLUTION—(OUT OF ORDER).

By Mr. White:

*Resolved*, That the Superintendent of State Printing be and he is hereby instructed to print three hundred and sixty copies of all bills introduced in this Senate.

Adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER)—RESUMED.

By Mr. Wilson: Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each, within their respective limits.

Referred to Committee on Judiciary.

Also, Senate Bill No. 94—An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relating to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two.

Referred to Committee on Corporations.



Also, Senate Bill No. 95—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing certain corporations to act as executor and in other capacities.

Referred to Committee on Corporations.

Also, Senate Bill No. 96—An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code, in relation to insurance," approved April 1, 1878.

Referred to Committee on Corporations.

Also (by request), Senate Bill No. 97—An Act to provide for payment for private property heretofore taken for public use.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Meany: Senate Bill No. 98—An Act to regulate fees of Clerks of Superior Courts of this State.

Referred to Committee on Judiciary.

Also, Senate Bill No. 99—An Act to establish jury fees in Courts of record of the State of California.

Referred to Committee on Judiciary.

By Mr. Crandall (by request), Senate Bill No. 100—An Act to amend section seven hundred and ninety-one of the Political Code of the State of California, relating to Notaries Public.

Referred to Committee on Judiciary.

Mr. Chandler had leave to introduce, out of order, a memorial from citizens of Kern County, which was referred to Committee on Irrigation.

Resolutions, out of order, were introduced as follows:

By Mr. McDonald:

*Resolved*, That W. A. Driscoll be and he is hereby appointed Assistant Journal Clerk, at the same per diem as the other Journal Clerks, payable out of the Contingent Fund of the Senate.

Mr. Meany moved to refer the resolution to the Committee on Attachés, Contingent Expenses, and Mileage.

So ordered.

By Mr. Gesford: A concurrent resolution providing for the furnishing of school text-books to certain State officials therein named.

Referred to Committee on Education.

By Mr. Caminetti:

*Resolved*, That the requisitions upon the Secretary of State for stationery and other supplies by officers and employes of the Senate, and Senate committee clerks, be first submitted to the Committee on Attachés and Contingent Expenses, and be approved by a majority thereof before being presented to the Secretary of State; that said committee be requested to examine requisitions already filed with the Secretary of State by officers, clerks, etc., of the Senate, and if unnecessary supplies have been drawn, to report same to the Senate.

Mr. Clunie offered the following as a substitute:

*Resolved*, That no requisition shall be made upon the Secretary of State for supplies for committees unless signed and approved by the Chairman of the committee for which such supplies are asked.

Mr. Langford moved to refer the whole subject-matter to the Com-

mittee on Attachés, Contingent Expenses, and Mileage, with instructions to report on Monday next.

Subsequently Mr. Langford withdrew his motion to so refer.

Mr. Meany moved to renew the motion to refer to the Committee on Attachés, Contingent Expenses, and Mileage, and it was so ordered.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, respectfully refused to concur in the resolution of the Senate to adjourn both Houses of the Legislature until Tuesday, January 18, 1887.

FRANK D. RYAN, Chief Clerk.  
By Ed. J. SMITH, Assistant.

#### RESOLUTIONS—(OUT OF ORDER)—RESUMED.

By Mr. Pinder:

*Resolved*, That John A. Barber be and he is hereby appointed a committee room Porter of the Senate, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Murphy:

*Resolved*, That W. J. Lynn be and he is hereby allowed four days' pay as Porter of the Senate Chamber, from the eighth day of January until the thirteenth, the day of his successor's, George Locke's, election, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Roth:

*Resolved*, That C. E. Ayer be and is hereby appointed as File Clerk of the Senate, to file and keep orderly all bills and journals on desks of officers and members, at a per diem of five dollars, to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Sargent:

*Resolved*, That John Kafod be and is hereby appointed Messenger to the Senate, to be stationed in the office of the Sergeant-at-Arms, to serve at a salary of three dollars per diem.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### CONCURRENT RESOLUTION.

By Mr. Goucher:

*Resolved by the Senate, the Assembly concurring and consenting*, That when the Senate and Assembly adjourn to-day, such adjournment be taken until Tuesday, January 18, 1887, at eleven o'clock A. M.

Adopted.

By leave, Mr. Chandler introduced the following bill, out of order: Senate Bill No. 101—An Act to prevent injuries to navigable streams.

Read by title and referred to Committee on Agriculture.

# RECESS.

Thereupon, on motion of Mr. Goucher, the Senate took a recess until two o'clock this P. M.

# REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCudden, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Resolutions (out of order) were introduced and disposed of as follows:

By Mr. Moffitt:

*Resolved*, That Miss Rachel Gift, Mrs. F. M. Clough, and Miss Mollie Scaniker be and are hereby elected Assistant Engrossing Clerks of the Senate, at the same per diem as the principal of said office, payable from and after January 7, 1887, out of the Contingent Fund of the Senate.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Moffitt:

*Resolved*, That Chas. Robinson be and he hereby is allowed four days' pay, from January ninth to January thirteenth, as Gallery Porter, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Moffitt: A concurrent resolution relative to the reinstatement of General George Stoneman upon the retired list of the United States Army.

Mr. Goucher introduced the following as a substitute:

WHEREAS, The people of the State of California, and all patriotic citizens throughout the Union, are gratefully mindful of the eminent services rendered by ex-Governor George Stoneman as an officer in the army of the United States, and review his military record with pride and gratification; and whereas, the people of the State of California also recognize their additional obligation to ex-Governor George Stoneman because of his surrender of the ease of private life at their wish to become the Governor of the State, and because of the fact that as chief executive of the State he proved himself an honest, fearless, and efficient official, commending himself thereby to the good opinion of all fair-minded men; and whereas, in view of his recent retirement to private life, it is the general desire in this State that some fitting recognition of his services to his country be shown to him; therefore, be it

*Resolved by this Senate, the Assembly concurring*, That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to take such action as shall result in the restoration of ex-Governor George Stoneman to the retired list of the Army of the United States, with the rank of Colonel, and the same pay as is by law now provided for officers of the regular army holding the rank of Colonel upon such retired list.

*Resolved*, That a copy of these resolutions be immediately forwarded by telegraph to our Senators and Representatives in Congress.

Substitute accepted, and, upon a vote of the Senate being taken, it was unanimously adopted.

By Mr. Rose: A concurrent resolution relative to the timber lands of the State.

Referred to Committee on Forestry.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Gesford: Senate Bill No. 102—An Act to amend sections number one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees.

Referred to Committee on Education.

By Mr. Briceland: Senate Bill No. 103—An Act to enlarge the State Library by purchase, and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase.

Referred to Committee on State Library.

By Mr. Wilson: Senate Bill No. 104—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges to jurors in criminal cases.

Referred to Committee on Judiciary.

By Mr. Yell: Senate Bill No. 105—An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Referred to Committee on Judiciary.

#### ADJOURNED.

At two o'clock and twenty minutes P. M., on motion of Mr. Caminetti, the Senate, under concurrent resolution this day adopted, adjourned until Tuesday, the eighteenth instant, at eleven o'clock A. M.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 18, 1887. }

Senate met pursuant to adjournment.  
President Waterman in the chair.

#### LEAVE OF ABSENCE.

Senator Crandall was granted leave of absence for three days.  
Roll called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.



Quorum present.

Prayer by the Chaplain; Rev. H. C. Christian.

Journal of Friday, the fourteenth instant, read and approved.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the resolution of the Senate relative to the adjournment of both Senate and Assembly to Tuesday, January 18, 1887, at eleven o'clock A. M.

FRANK D. RYAN, Chief Clerk.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Clunie: Senate Bill No. 106—An Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

Referred to Committee on Judiciary.

By Mr. Roth: Senate Bill No. 107—An Act to provide an additional Judge of the Superior Court of Tulare County.

Referred to Committee on Judiciary.

#### RECESS.

At eleven o'clock and twenty-five minutes A. M., on motion of Mr. White, the Senate took a recess until the hour of twelve o'clock M.

#### REASSEMBLED.

At twelve o'clock M. the Senate reassembled.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

#### BALLOTING FOR UNITED STATES SENATOR.

Mr. Clunie offered the following resolution:

*Resolved*, That the Senate do now proceed to ballot for a candidate for the office of United States Senator, for the term of six years, beginning March 4, 1887.

Adopted.

Mr. Moffitt moved a call of the Senate.

So ordered.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Yell.

On motion of Mr. Clunie, further proceedings under the call of the Senate were dispensed with.

The President of the Senate then directed the Secretary to read the Act of Congress, as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The President announced that nominations were now in order for a United States Senator in Congress for the term of six years from March 4, 1887.

Mr. Yell nominated the Hon. George Hearst.

Mr. Abbott nominated the Hon. Henry Vrooman.

On motion of Mr. Yell, the hour for recess was continued until after the vote for United States Senator be taken.

The President declared nominations closed, and in accordance with the requirements of the section of the Act above quoted, the Secretary called the roll of the Senate, and each Senator announced the name of the person for whom he voted, as follows:

*For Hearst*—Messrs. Boggs, Briceland, Caminetti, Clunie, Gosford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell—25.

*For Vrooman*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crimmins, Dray, Hall, Patterson, Walrath, and Wilson—11.

Whole number of votes cast.....	36
Mr. George Hearst received.....	25
Mr. Henry Vrooman received.....	11

Mr. Dixon, who would have voted for Mr. Hearst, was paired with Mr. Crandall, who would have voted for Mr. Vrooman.

Mr. Moffitt moved to take up Assembly message.  
So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following concurrent resolution:

*Resolved*, That the Clerk forthwith inform the Senate of the vote for United States Senator in this House, and that the Senate be requested to meet in the Assembly Chamber to-morrow, January 19, 1887, in joint assembly, for the purpose of electing, or declaring the election of a United States Senator, pursuant to an Act of Congress, entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1865.

That the total vote cast was seventy-eight, of which George Hearst received thirty-eight votes and Henry Vrooman received forty votes.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

RESOLUTION.

By Mr. Moffitt:

*Resolved*, That the Secretary of the Senate be instructed to inform the Assembly of the vote of the Senate on this day for United States Senator, and to notify the Assembly that the Senate will meet with the Assembly in Joint Convention on to-morrow, January 19, 1887, at twelve o'clock meridian.

Adopted.

RECESS.

At twelve o'clock and fifty minutes P. M. the President declared a recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

MESSES. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

On motion of Mr. Goucher, Assembly message was taken up as follows:

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, unanimously adopted the following Senate Concurrent Resolution No. 2—Relative to restoring ex-Governor George Stoneman to the retired list of the United States Army.

FRANK D. RYAN, Chief Clerk.  
By ED. J. SMITH, Assistant Clerk.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Yell: Senate Bill No. 108—An Act to amend section one thousand three hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," as amended in 1878, relating to the order of persons entitled to administer.

Read by title and referred to Judiciary Committee.

Mr. McCarthy also had leave to present (out of order) a certified claim of Alezandra Moreno, in the sum of three hundred and fifteen dollars, for services as Janitor of the Supreme Court at Los Angeles.

Read, and, on motion, referred to Committee on Claims.

#### ADJOURNMENT.

Thereupon, at two o'clock and ten minutes P. M., on motion of Mr. Yell, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, January 19, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

#### REPORTS OF STANDING COMMITTEES.

##### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 18, 1887.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 46—An Act to amend section six hundred and thirty-three of the Penal Code, relating to violations of the law for the preservation of fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SARGENT, Chairman.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 18, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Concurrent Resolution No. 1—Relating to the distribution of text-books published by the State—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GESFORD, Chairman.

On motion of Mr. Moffitt, Concurrent Resolution No. 1, above reported by Mr. Gesford, was adopted.

#### REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 18, 1887.

*To the Senate:*

The undersigned committee make the following report upon the charge made against Mr. T. A. Lord, Director of the Deaf, Dumb, and Blind Asylum: There are charges made by two Associations; one by the California Anti-Chinese (non-Partisan Association)



charges that T. A. Lord "has openly advocated the employment of Chinese by the State;" also, "in addition, to many other acts detrimental to the best interest of the State."

The second, by the State Assembly of the Knights of Labor of California, charges "that Lord has violated his oath of fealty to the State, in that he has, as Director, sanctioned the employment of a Chinaman by the State;" and also, "been guilty of many other acts of misfeasance in office, contrary to the dignity of the people."

We, your committee, have given all these matters a careful hearing, and, as far as we can find out by the proof before us, find this state of facts:

That there has been a cook employed, a Chinese, and paid by the State for over five (5) years and up to August, 1886. That since that time this cook has been paid his wages by Mr. Wilkinson, Principal or Superintendent for many years of the Asylum. This Chinaman, however, receives his board, in conjunction with Mr. Wilkinson, from the State, and lives in a cottage separate from the Asylum, occupied by Mr. Wilkinson. It is also stated that Mr. Wilkinson continues to employ this Chinaman and pays him his wages himself from his private funds, as he has found it impossible to find white help which is suitable, that will hire and remain, on account of being away from churches or places of recreation or amusement, and if not employing a Chinaman all the work would fall on his wife, who would be unable to perform it. It is found, too, that this Chinaman had been employed and received pay from the seventh of July until August the first, less than a month, under the directorship of Mr. Lord, and since that time has been paid by Mr. Wilkinson, as stated before.

The cause of his ceasing to receive pay was by reason of the Controller refusing to allow the accounts. Mr. Lord has never employed this Chinaman or any other (and if guilty of wrong, all five Directors are equally culpable), and claims to have ever unfavorably entertained suggestions of employing Chinese, yet, under the peculiar condition of a necessity of a cook and the almost impossibility to get anything but a Chinaman, to have consented to the necessity, at the request of the Superintendent, to allow him to remain, and he says, also, that this action of retaining a Chinaman in the employ is not without warrant of the law, and he refers to decisions of Judges Sawyer and Hoffman, in the case of Tiburcio Parrott, Judge Fields, on the queue ordinance, Judge Sawyer, on the fishing matter, and recent decisions of the United States Supreme Court in laundry cases of the City of Stockton.

He also refers to a still higher law, the Constitution of the United States, Article VI; also, the Fourteenth Amendment, reference to which is hereby made to those who wish to consult the legal bearing on this matter. As to all other charges, they have not been attempted to be proven, and are believed by the committee to be entirely without foundation. From all that has come to the knowledge of the committee, either by letters or by personal interviews, lead the committee to the conclusion that the State will ever be fortunate when they can secure such services without compensation and simply for the love of being of service to the unfortunate, service which is as disinterested, honest, efficient, and careful as we believe the services of Director T. A. Lord to have been. This high regard is not based alone upon our personal interview with Mr. Lord, but is founded upon the evidence of such men as Superintendent Wilkinson, who has held his position for years, and all persons who have come in contact with him delight to honor and praise him.

Also, Mr. Palmer, an old and honored citizen of Oakland, and Director of the Asylum for fifteen years.

Dr. Briceland, one of our brother Senators, whom it is only necessary to see and you feel that only truth can give that sunny and kind expression, and he speaks from personal knowledge, having in the past been officially connected with the asylum; whereas, all charges seem to emanate, as far as we can see, from only one source, and although personally unknown to us, and we do not question his motives, but we must believe that there is some mistake, for the evidence of three men, good and true, have strongly recommended Mr. Lord.

We therefore concur in recommending Mr. T. A. Lord for confirmation, and all join in the belief that if there was a wrong committed, that it was a technical and necessary one—one that was in the interest of the unfortunate deaf, dumb, and blind, and that there was no intention to favor a Chinaman over any other help or people.

L. J. ROSE, Chairman.  
A. L. CHANDLER.  
M. W. DIXON.

Mr. Clunie moved to make the consideration of the report the special order for Tuesday next, at two o'clock P. M.

Mr. Boggs moved to amend, by considering the report at this time.

Pending consideration, Mr. White asked for and obtained leave of absence for two days.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Boggs, the Senate took a recess until twelve o'clock M.

## REASSEMBLED.

At twelve o'clock m. the Senate reassembled.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gosford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell.

Quorum present.

Immediately after calling the roll, by direction of the President, the Senate, at eleven o'clock and fifty-five minutes A. M., proceeded in a body to meet the House in Joint Assembly, for the purpose of electing a United States Senator.

## IN JOINT ASSEMBLY.

WEDNESDAY, January 19, 1887.

At twelve o'clock meridian, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, the Senate and Assembly met in Joint Assembly, the Hon. R. W. Waterman, Lieutenant-Governor and President of the Senate, in conjunction with the Hon. W. H. Jordan, Speaker of the Assembly, presiding.

The roll of the Senate was called by the Secretary, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members responded:

Messrs. Adams, Alexander, Atherton, Bailey, Barry, Barton, Bost, Brierly, Britt, Brooks, Brown W. A., Brown J. B., Brusie, Burnett, Butler, Callaghan, Campbell, Carr, Carroll, Cohen, Colbert, Cooley, Coombs, Cope, Currey of Solano, Curry of San Francisco, Davis, Ellsworth, Ewing, Gould, Granger, Gruwell, Handy, Hart, Heath, Henry of Butte, Henry of San Joaquin, Hotchkiss, Hyde, Knox, LaBlanc, Lawrence, Lewis, Mahler, Martin, Mann, Matthews of Tehama, Matthews of San Benito, McClenahan, McDonnell, McGowan, Mitchell, Morgan, Morris, O'Grady, Ohlwey, Price, Regan, Rucker, Renison, Searcy, Shanahan, Sherburne, Sims, Smyth, Spurgeon, Sykes, Taylor, Toner, Varied, Venable, Vincent, Weber, Windrow, Wilcox, Williams, Wright, Young of San Diego, Young of San Joaquin, and Mr. Speaker.

The President of the Senate directed the Secretary of the Senate to read the Act of Congress, requiring a Joint Assembly to be held this day, as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866.

SECTION 14. The Legislature of each State, which is chosen next preceeding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who received a

majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate read from the Journal of the Senate so much of the proceedings of Tuesday, the eighteenth instant—the same being the second Tuesday after the organization of the twenty-seventh session of the Legislature—as relates to a ballot for the election of a United States Senator, for the term of six years beginning with March 4, 1887, whereby it appeared that thirty-six Senators were present and voted, each his choice, and that the Hon. George Hearst received twenty-five votes, and the Hon. Henry Vrooman eleven votes.

Mr. Dixon, who would have voted for Mr. Hearst, was paired with Mr. Crandall, who would have voted for Mr. Vrooman.

The Chief Clerk of the Assembly read so much of the Journal of the Assembly as related to the proceedings of that body, in regard to the election of a United States Senator, held in accordance with an Act of Congress above referred to, and it appeared that seventy-eight members of the Assembly were present, and voted, each for his choice, and that Hon. George Hearst had received thirty-eight votes, and Hon. Henry Vrooman had received forty votes.

The Speaker announced the vote, and declared that the Hon. Henry Vrooman, having received a majority of the votes of the whole House, is the choice of the Assembly of the State of California for United States Senator for the term commencing the fourth day of March, 1887.

The President of the Senate then announced that, as there had been no choice for United States Senator in both Houses of the Legislature yesterday, nominations for United States Senator for the State of California, for six years, beginning on the fourth day of March, A. D. 1887, be now in order.

#### NOMINATIONS FOR UNITED STATES SENATOR.

Senator Clunie of San Francisco placed in nomination the Hon. George Hearst.

Seconded by Senator Goucher of Mariposa.

Senator Wilson of San Francisco placed in nomination the Hon. Henry Vrooman of Alameda.

Seconded by Assemblyman Sims of Nevada County.

By direction of the President, the Secretary of the Senate called the roll of the Senate, and each Senator present pronounced the name of the person for whom he voted, as follows:

*For Hearst*—Messrs. Boggs, Briceland, Caminetti, Clunie, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell.

*For Vrooman*—Messrs. Abbott, Bowers, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Patterson, Walrath, and Wilson.

The Chief Clerk of the Assembly called the roll of the House, and each member present pronounced the name of the person for whom he voted, as follows:

*For Hearst*—Messrs. Adams, Barton, Bost, Britt, Brooks, Callaghan, Colbert, Cope, Granger, Gruwell, Hart, Heath, Henry of Butte, Henry of San Joaquin, Hotchkiss, Lawrence, Lewis, Mahler, Mann, Mathews of Tehama, Matthews of San Benito, McLenahan, Mitchell, Morgan, Morris, O'Grady, Ohleyer, Regan, Rucker, Renison, Searcy, Shanahan, Smyth, Spurgeon, Toner, Venable, Williams, Wright, and Young of San Joaquin.

*For Vrooman*—Messrs. Alexander, Atherton, Bailey, Barry, Brierly, Brown W. A., Brown J. B., Bruise, Burnett, Butler, Campbell, Carr, Carroll, Cohen, Cooley, Coombs, Currey of Selma, Curry of San Francisco, Davis, Ellsworth, Ewing, Gould, Handy, Hyde, Knox, LaBlanc, Martin, McDonnell, McGowan, Price, Sherburne, Sims, Sykes, Taylor, Variel, Weber, Windrow, Wilcox, Young of San Diego, and Mr. Speaker.

*For Hartson*—Mr. Vincent.

The President of the Senate then announced the result of the ballot, as follows:

Whole number of votes cast.....	118
Necessary to a choice.....	60
George Hearst received.....	65
Henry Vrooman received.....	52
Chancellor Hartson received.....	1

Hon. George Hearst having received a majority of all the votes cast by the members of both Houses of the Legislature, present and voting in Joint Assembly, I now declare him duly elected United States Senator for the State of California for six years, beginning on the fourth day of March, A. D. 1887.

The minutes of the proceedings in the Joint Convention were then read and approved.

Whereupon, at one o'clock and twenty minutes p. m., the President of the Senate announced that both Houses having performed their duties regarding the election of a United States Senator, are now dissolved.

R. W. WATERMAN,  
President of the Senate.

W. H. JORDAN,  
Speaker of the Assembly.

#### REASSEMBLED.

At one o'clock and twenty-five minutes p. m., the Senate reassembled. President Waterman in the chair.

Roll called, and the following Senators answered to their names:



Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Vrooman, White, Wilson, and Yell.

Quorum present.

Consideration of the report of the special committee on the confirmation of Mr. Lord as a Trustee of the Asylum of the Deaf, Dumb, and Blind, vice W. C. Harrington, resigned, pending when the Senate took a recess, was resumed.

The question being on the amendment of Mr. Boggs, to the effect that the report of the special committee above referred to be now considered, pending the consideration of the same, on motion of Mr. Clunie, the Senate took a recess until three o'clock this afternoon.

#### REASSEMBLED.

At three o'clock P. M. the Senate reassembled, President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Patterson, Rose, Roth, Steele, Vrooman, and Walrath.

Quorum present.

The consideration of the question pending when the Senate last took a recess was resumed.

On the adoption of the amendment of Mr. Boggs the ayes and noes were demanded by Messrs. Clunie, Gesford, and Abbott, and the amendment was carried by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Moffitt, Patterson, Rose, Steele, Walrath, and Wilson—20.

NOES—Messrs. Caminetti, Clunie, Conklin, Crimmins, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, and Sullivan—16.

Mr. Boggs then moved that the appointment of Mr. Lord be confirmed by the Senate.

Mr. Clunie moved, as an amendment, that the appointment be referred to the Judiciary Committee.

Mr. Vrooman raised the point of order that the Senate, in adopting the amendment of Mr. Boggs, had in effect determined to consider the appointment of Mr. Lord at this time, and that the amendment to refer to the Judiciary Committee was, therefore, out of order.

The Chair decided the point of order well taken.

Mr. Clunie appealed from the decision of the Chair, and, upon the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Clunie, Meany, and McDonald, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Jones, Langford, Patterson, Rose, Steele, Vrooman, Walrath, and Wilson—21.

NOES—Messrs. Caminetti, Clunie, Crimmins, Gesford, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, and Sullivan—16.

Mr. Clunie moved to adjourn.

The ayes and noes were demanded by Messrs. Clunie, Gesford, and Goucher, and the Senate refused to adjourn by the following vote:

AYES—Messrs. Caminetti, Clunie, Conklin, Crimmins, Gesford, Goucher, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, and Sullivan—18.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Patterson, Rose, Steele, Vrooman, Walrath, and Wilson—19.

Mr. McCarthy moved that the subject-matter under consideration be referred to the Committee on Chinese.

Mr. Vrooman raised a point of order, the same in substance as the point of order interposed by him to Mr. Clunie's amendment, "that the appointment of Mr. Lord be referred to the Judiciary Committee."

The Chair ruled the point of order well taken.

Mr. Clunie appealed from the decision of the Chair.

On the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Clunie, McCarthy, and Lenahan, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Jones, Patterson, Rose, Steele, Vrooman, Walrath, and Wilson—20.

NOES—Messrs. Caminetti, Clunie, Crimmins, Gesford, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, and Yell—17.

Mr. Goucher moved to adjourn.

The ayes and noes were demanded by Messrs. Abbott, Bowers, and Clunie, and the Senate refused to adjourn, by the following vote:

AYES—Messrs. Caminetti, Clunie, Conklin, Crimmins, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, and Sullivan—17.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Patterson, Rose, Steele, Vrooman, Walrath, Wilson, and Yell—20.

Mr. Goucher moved that the subject-matter under consideration be referred to the Committee on Public Morals, with instructions to report next Tuesday.

The Chair ruled the motion out of order.

Mr. Goucher appealed from the decision of the Chair.

On the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Clunie, Goucher, and Meany, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Dixon, Dray, Hall, Haynes, Jones, Patterson, Rose, Steele, Vrooman, Walrath, and Wilson—19.

NOES—Messrs. Caminetti, Clunie, Crimmins, Gesford, Goucher, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, and Yell—18.

Mr. Boggs then moved that the further consideration of the question of the confirmation of Mr. Lord be made the special order imme-

diately after the reading of the Journal on to-morrow, and it was so ordered.

#### MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 19, 1887. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body the "Fifth Progress Report" of the State Engineer, concerning the operation of the State Engineering Department for the two years ending December 31, 1886.

WASHINGTON BARTLETT, Governor.

On motion of Mr. Moffitt, it was ordered that the report referred to in the above message from the Governor be referred to the Committee on Irrigation.

Also, the following message from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 19, 1887. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day appointed Hon. John A. Stanley and Hon. George E. Whitney, both of Alameda County, Trustees of the Asylum of the Deaf and Dumb and the Blind, to which I respectfully ask your consent.

WASHINGTON BARTLETT, Governor.

The above message was made the special order for to-morrow, at two o'clock P. M.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Boggs: Senate Bill No. 109—An Act entitled "An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization."

Referred to Committee on Counties, County Government, and Town-ship Organization.

By Mr. Briceland: Senate Bill No. 110—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of dead bodies and preservation of public health.

Referred to Committee on Hospitals.

Also, Senate Bill No. 111—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Referred to Committee on Hospitals.

Also, Senate Bill No. 112—An Act to amend section three thousand and sixty-two of, and to add a new section to, an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Referred to Committee on Hospitals.

Also, Senate Bill No. 113—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled

"An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Referred to Committee on Hospitals.

Also, Senate Bill No. 114—An Act to amend section three hundred and seventy-eight of an Act entitled "An Act to establish a Political Code," approved February 14, 1872, relating to the preservation of the public health and safety, and registration of births, deaths, and marriages.

Referred to Committee on Hospitals.

By Mr. Conklin: Senate Bill No. 115—An Act entitled "An Act to prevent running, capping, and soliciting for attorneys at law in or around public Courts, Police Judges' Courts, City Prisons, or Superior Courts, in any county or incorporated city, or cities and counties."

Referred to Committee on Judiciary.

By Mr. Goucher: Senate Bill No. 116—An Act to add section five hundred and thirty-nine to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy.

Referred to Committee on Printing.

Also, Senate Bill No. 117—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Jones: Senate Bill No. 118—An Act to amend an Act entitled "An Act to amend an Act to incorporate the Town of Chico, Butte County, California," approved March 23, 1878.

Referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 119—An Act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-three, relating to barbed wire fences on public highways.

Referred to Committee on Roads and Highways.

Also (by request), Senate Bill No. 120—An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of said bonds.

Referred to Committee on Military Affairs.

Also, Senate Bill No. 121—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury.

Referred to Committee on Judiciary.

By Mr. Sullivan: Senate Bill No. 122—An Act to add a new section to the Political Code, to be known as section three thousand three hundred and forty-six, relating to the power of Boards of Supervisors of any city and county, or city, or town, having a population of one hundred thousand or more people in this State, to make annual appropriation for the purpose of keeping in order burial grounds exclusively devoted to the interment of the deceased members of any organized order of exempt firemen therein.

Referred to Committee on Judiciary.

By Mr. Caminetti: Senate Bill No. 123—An Act providing for the payment of the expenses of witnesses in criminal cases amounting to felony.



Referred to Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 124—An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1862, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses.

Referred to Committee on Judiciary.

Also, Senate Bill No. 125—An Act to add two sections, namely, sections one thousand and thirty-nine and one thousand and forty, to Chapter VI, Title VI, of Part II of the Penal Code of California, relative to the removal of criminal actions, and to provide for obtaining a jury from an adjoining county, in lieu of such removal, in certain cases.

Referred to Committee on Judiciary.

By Mr. Conklin: Senate Bill No. 126—An Act to propose an amendment to section one of Article XIII of the Constitution, relating to revenue and taxation.

Referred to Committee on Constitutional Amendments.

By Mr. Murphy: Senate Bill No. 127—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations.

Referred to Committee on Corporations.

On motion of Mr. Murphy, the following preambles and resolutions, accompanying the introduction of the above bill, were ordered spread in the Journal of the day's proceedings, and that one hundred extra copies of to-day's Journal be printed.

WHEREAS, The exercise of the privilege, legally permissible by the general statute of the State of California (Civil Code, Section 307), of cumulative voting at the elections of this society has been used to secure the election of candidates for office; and whereas, the use of this privilege is a recent innovation upon the long established mode of election in this society; is a manifest injustice, if not insult, to the candidates thus deprived of their fair and equal share in the support of the society; is an unjust advantage taken of those unaware, or if aware, disapproving of such a procedure whether legal or not; is the introduction into this society of a bad precedent, and a cause of discontent, complaint, and hostility, thereby disturbing the fraternal harmony which should be protected and held sacred; therefore, be it

*Resolved*, That the practice of cumulative voting in this association be denounced and rejected by that sense of right, honor, and public opinion among the members which should frown upon any persistency in enforcing the letter of an obnoxious law.

*Resolved*, That, at future elections in this society, the tellers be instructed to segregate, count, and report the number of cumulative votes; that the same shall be rejected by the Judges of Election, and be ignored by the society.

*Resolved*, That the candidates shall pledge themselves not to claim nor insist on counting cumulative votes; nor go into any Court to claim such votes.

The foregoing preamble and resolutions were unanimously adopted at a regular monthly meeting of the Society of California Pioneers, held on the seventh day of June, 1886.

H. T. GRAVES, Secretary.

WHEREAS, Experience has shown that cumulative voting is against the best interests, and destructive of the harmony of this society; and whereas, this society, by a unanimous vote, condemned the use thereof; therefore,

*Resolved*, That a committee of five, including the President, be appointed to visit Sacramento, to secure legislation amending section three hundred and seven of the Civil Code, in reference to cumulative voting, so as to exempt corporations having no capital stock, such as religious, social, charitable, and kindred societies, from the provisions thereof, unless they should otherwise elect.

The foregoing preamble and resolution were adopted at a regular monthly meeting of the Society of California Pioneers, held on the fourth day of October, 1886, and in accordance therewith the following committee was duly appointed, viz.: President, Gustave Reis; A. M. Ebbets, Peter Dean, William F. Swasey, and A. C. Taylor.

H. T. GRAVES, Secretary.

## INTRODUCTION OF BILLS—(RESUMED).

By Mr. Moffitt: Senate Bill No. 128—An Act to provide for the public safety at steam railroad crossings and in streets and avenues used by steam railroads, and for the granting of franchises to steam railroads in incorporated cities and counties, cities, or towns.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Hinshaw: Senate Bill No. 129—An Act to amend section one thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Referred to Committee on Education.

By Mr. Haynes: Senate Bill No. 130—An Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Referred to Committee on Elections.

Also, Senate Bill No. 131—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

Referred to Committee on Judiciary.

Also, Senate Bill No. 132—An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure, relating to the issuance of subpoenas.

Referred to Committee on Judiciary.

## RESOLUTIONS.

Resolutions were introduced and disposed of as follows:

By Mr. Moffitt:

*Resolved*, That the Chairman of the Committee on Federal Relations be and he is hereby authorized to appoint a clerk.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Goucher (by request):

*Resolved*, That John Hawkins be and hereby is appointed room Porter to the Committees on Corporations, Claims, and such other committees which have no Porter.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Clunie:

WHEREAS, The Controller has refused to draw his warrant in favor of R. G. Falk for services rendered as Minute Clerk of the Senate during the temporary organization; therefore,

*Resolved*, That the opinion of the Attorney-General be obtained by the Secretary of the Senate as to the right of the Controller to withhold said warrant.

Adopted.

By Mr. Jones:

*Resolved*, That an appropriation of twenty-five dollars for contingent expenses of each member of the Senate be made from the Contingent Fund of the Senate.

Adopted.

## ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Dray, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 20, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

## SPECIAL ORDER.

Consideration of the confirmation of T. A. Lord as Trustee of the Asylum for the Deaf, Dumb, and Blind.

Mr. Boggs moved that the Senate consent to the appointment of Mr. Lord.

Upon the question: "Will the Senate advise and consent to the appointment of T. A. Lord as Trustee of the Asylum for the Deaf, Dumb, and Blind?" pending consideration of the question, on motion of Mr. Goucher, the hour of recess was extended until the matter before the Senate be disposed of.

Thereafter, by direction of the President, the roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Dixon, Hall, Haynes, Hinshaw, Langford, Patterson, Rose, Steele, Vrooman, Walrath, Wilson, and Yell—20.

NOES—Messrs. Caminetti, Clunie, Crimmins, Dray, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, and Sullivan—19.

Whereupon, the President announced the appointment of T. A. Lord as a Trustee of the Asylum for the Deaf, Dumb, and Blind, duly confirmed.

## RECESS.

At twelve o'clock and thirty minutes the Senate took a recess until two o'clock P. M.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, Wilson, and Yell.

#### SPECIAL ORDER.

Consideration of Governor's message, relative to appointments.  
The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 19, 1887. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day appointed Hon. John A. Stanley and Hon. George E. Whitney, both of Alameda County, Trustees of the Asylum of the Deaf and Dumb and the Blind, to which I respectfully ask your consent.

WASHINGTON BARTLETT, Governor.

Upon the question: "Will the Senate advise and consent to the appointment of John A. Stanley as Trustee of the Asylum of the Deaf, Dumb, and Blind?" the roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Walrath, Wilson, and Yell—31.

NOES—None.

Whereupon, the President announced the appointment of John A. Stanley as Trustee of the Asylum of the Deaf, Dumb, and Blind, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of Geo. E. Whitney as Trustee of the Asylum of the Deaf, Dumb, and Blind?" the roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Walrath, Wilson, and Yell—33.

NOES—None.

Whereupon, the President announced the appointment of Geo. E. Whitney as Trustee of the Asylum of the Deaf, Dumb, and Blind, duly confirmed.

#### REPORT.

By Mr. McCudden, as follows:

SENATE CHAMBER, SACRAMENTO, January 20, 1887.

MR. PRESIDENT: Your Committee on Public Buildings beg leave to report that in the discharge of their duties they visited, on Saturday, January fifteenth, the State University and the Asylum for the Deaf, Dumb, and Blind, at Berkeley, and the Asylum for the Adult Blind, at Oakland. The members of the committee are entitled to mileage for the following distances traveled: Senators McCudden, Langford, McCarthy, Abbott, and Yeoman, and Clerk Ryan, each from Sacramento to Oakland, and from Oakland to Berkeley and return, one hundred and ninety-two (192) miles.

McCUDDEN, Chairman.

Referred to Committee on Mileage.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:



By Mr. Gesford: Senate Bill No. 133—An Act to appropriate money to pay the claim of William Saunders for advertising certain swamp and overflowed lands, under the direction of the Surveyor-General, in 1875.

Referred to Committee on Public and Swamp and Overflowed Lands.

By Mr. Caminetti: Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Referred to Committee on Agriculture.

Also (by request), Senate Bill No. 135—An Act to appropriate money for the payment of the claims of Robert T. Devlin and R. M. Clarken, for legal services in suits in which the State was interested.

Referred to Committee on Claims.

Also, Senate Bill No. 136—An Act to add a new section to the Political Code of the State of California, to be numbered section four thousand two hundred and twenty-five, in relation to the duties of County Auditors.

Referred to Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 137—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor, and the duties of County Clerks in relation therewith.

Referred to Committee on Elections.

By Mr. Dray: Senate Bill No. 138—An Act to amend section twelve, of Article XIII, of the Constitution.

Referred to Committee on Constitutional Amendments.

Also, Senate Bill No. 139—An Act to amend section one, of Article XIII, of the Constitution.

Referred to Committee on Constitutional Amendments.

By Mr. Boggs: Senate Bill No. 140—A bill for an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

By Mr. Jones (by request): Senate Bill No. 141—An Act to amend the Political Code of California, by adding thereto a new section, to be known as section six hundred and thirty-five, prescribing the conditions precedent to conducting the business of solicitor of fire insurance, and defining the duties of the Insurance Commissioner and insurance companies in relation thereto.

Referred to Committee on Corporations.

By Mr. Yell (by request): Senate Bill No. 142—An Act to amend section three thousand six hundred and seven of the Political Code of the State of California, relating to property subject to taxation.

Referred to Committee on Viniculture and Viticulture.

By Mr. Meany: Senate Bill No. 143—An Act to amend section four hundred and nineteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to insurance corporations.

Referred to Committee on Corporations.

## FIRST READING OF BILLS.

Senate Bill No. 46—An Act to amend section six hundred and thirty-three of the Penal Code, relating to violations of the law for the preservation of fish.

Read first time, and placed on file for second reading.

## REPORT OF SELECT COMMITTEE—(OUT OF ORDER).

By Mr. Jones:

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1887

MR. PRESIDENT: Your Committee on Inauguration, to whom was referred the inauguration of Governor Washington Bartlett, respectfully report: That your committee of the Senate met with the committee of the Assembly, and in making the necessary arrangements for the inauguration the following bills were incurred:

Chairs, and extra help (Sergeant-at-Arms, Assembly) .....	\$86 00
Hussar Band .....	55 00
Sacramento Publishing Company, notices .....	20 00
Golden Eagle, carriages, January 6, 7, and 8 .....	110 00
Valley Press Printing House, programmes and cards .....	16 50
T. D. Scriver, hack hire, January 8 .....	25 00
Messages and telegrams, A. F. Jones .....	2 00
Total .....	\$314 50

Which expenses the Joint Committee recommend be borne by each House equally—have had the same under consideration, and respectfully report the same and recommend that the sum of one hundred and fifty-seven dollars and twenty-five cents, being one half thereof, be paid out of the Contingent Fund of the Senate, and a warrant be drawn therefor in favor of your committee to pay the same, and return vouchers therefor.

JONES, Chairman.

Adopted.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Langford: Senate Bill No. 144—An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton; County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes.

Referred to Committee on Public Buildings other than Prisons.

## ADJOURNMENT.

At two o'clock and twenty-five minutes p. m., on motion of Mr. Chandler, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 21, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Mr. Vrooman was granted leave of absence until Monday next.

The President announced that he had received the documents in the matter of the contested election of P. J. Crimmins for the office of Senator, Twenty-third District, by W. H. Williams.

Also, the documents in the matter of the contested election for the office of Senator, by John W. Ryland, contestant, vs. E. B. Conklin, respondent.

On motion of Mr. Clunie, the documents above reported were referred to the Committee on Elections.

#### REPORTS OF STANDING COMMITTEES.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 59—Entitled "An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies"—have had under consideration the same, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 13—Entitled "An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor"—and recommend that it be referred to the Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 17—Entitled "An Act to amend an Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employed them," approved March 30, 1878, by making applicable thereto section one thousand one hundred and ninety-five of the Code of Civil Procedure, and recommend that it do pass.

Also, Senate Bill No. 93—Entitled "An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each, within their respective limits"—and recommend that it do pass, as amended.

Also, Senate Bill No. 10—Entitled "An Act to amend section six hundred and ninety of an Act entitled 'An Act to establish a Code of Civil Procedure,' adopted March 11, 1872, by adding a new article exempting fishing boats and nets from execution"—and recommend that it do pass.

CLUNIE, Chairman.

##### ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 20, 1887.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 92—Entitled "An Act to prevent the spread of contagious diseases among sheep"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended, by striking out the words "there shall be appointed by," on lines one and two, section two, and inserting the words "may, in their discretion, upon the petition of five citizens of said county who are owners of sheep appoint," after the word "California," on the third line of section two, and by striking out the word "contagious or infectious," on line six, section four, and inserting the words "contagious or infectious diseases."

Also, Senate Bill No. 101—An Act to prevent injuries to navigable streams—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DIXON, Chairman.

##### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 20—in relation to roads and highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINSHAW, Chairman.

## ON CORPORATIONS—MAJORITY REPORT ON SENATE BILL NUMBER THIRTY-THREE

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 33, Entitled an Act to amend section three hundred and sixty of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the acquisition and holding of real property by corporations, and the distribution thereof to stockholders, have had the same under consideration, and respectfully report the same back and recommend that it do pass, with the following amendment added thereto: Strike out the words "one year" after the word "them," on line twenty-five, on page one, of said bill, and insert in lieu thereof the words "five years."

GOUCHER, Chairman.

## MINORITY REPORT.

MR. PRESIDENT: The undersigned, the minority of the Committee on Corporations, report upon said bill, that the Committee has had the said Bill No. 33 under consideration, and the undersigned recommend that the said Bill No. 33 do not pass, by reason of its unconstitutionality, it being in the judgment of the undersigned, ex post facto, or retroactive, in its operation, as also impairing the obligation of contracts.

J. N. E. WILSON,  
L. J. ROSE,  
Of Committee.

On motion of Mr. Wilson, the bill above reported by the Committee on Corporations Senate Bill No. 33 was referred to the Committee on Judiciary, for the purpose of determining the question of the constitutionality of the bill, with instructions to report the same back on Wednesday next.

## ON ATTACHÉS.

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following

*Resolved*, That the requisitions upon the Secretary of State for stationery and other supplies by officers and employees of the Senate, and Senate committee clerks, be first submitted to the Committee on Attachés and Contingent Expenses, and be approved by a majority thereof, before being presented to the Secretary of State; that said committee be requested to examine requisitions already filed with the Secretary of State by officers, clerks, etc., of the Senate, and if unnecessary supplies have been drawn, to report same to the Senate.

Also, the following:

*Resolved*, That no requisition shall be made upon the Secretary of State for supplies for committees unless stated and approved by the Chairman of the committee for which such supplies are used.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following substitute:

*Resolved*, That each committee of the Senate be, and it is hereby allowed ten dollars' worth of stationery, and the Secretary of State is requested not to honor requisitions in excess of this amount, except by permission of the Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Caminetti moved to amend the substitute above reported by including the same allowance for representatives of the press entitled to seats on the floor of the Senate.

So ordered.

The substitute, so amended, was then adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Chairman of the Committee on Federal Relations be and he is hereby authorized to appoint a clerk.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:



SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That W. J. Lynn be and he is hereby allowed four days' pay as Porter of the Senate Chamber, from the eighth day of January until the thirteenth, the day of his successor's, George Locke's, election, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That C. E. Ayer be and is hereby appointed as File Clerk of the Senate, to file and keep orderly all bills and journals on desks of officers and members, at a per diem of five dollars, to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that the words "five dollars" be stricken out, and four dollars inserted, and that, as amended, the resolution be adopted.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Chas. Robinson be and he hereby is allowed four days' pay, from January ninth to January thirteenth, as Gallery Porter, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Boggs: Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880.

Referred to Committee on State Prison and Prison Buildings.

Also, Senate Bill No. 146—An Act to establish, regulate, manage, and govern a State Industrial Home for Boys.

Referred to Committee on State Prison and Prison Buildings.

By Mr. Rose: Senate Bill No. 147—An Act to prevent the spreading of fruit, fruit tree, and vine insect pests, and to provide for their extirpation.

Referred to Committee on Viniculture and Viticulture.

By Mr. Conklin: Senate Bill No. 148—An Act to amend section twenty-two of an Act entitled "An Act to establish the California Home for the Care and Training of Feeble-Minded Children, and provide for the maintenance of the same," approved March 18, 1885.

Referred to Committee on Judiciary.

By Mr. Sullivan: Senate Bill No. 149—An Act to designate the quality of goods manufactured and prepared in the State of California, and to require manufacturers to stamp upon their products and manufactures the class of labor employed in their preparation.

Referred to Committee on Judiciary.

By Mr. Abbott: Senate Bill No. 150—An Act to provide for the

organization and government of irrigation districts, and to provide for the acquisition and distribution of waters thereby for irrigation purposes.

Referred to Committee on Irrigation and Water Rights.

By Mr. McCarthy: Senate Bill No. 151—An Act to amend section three hundred and sixty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to assignments of things in action.

Referred to Committee on Judiciary.

By Mr. Sargent: Senate Bill No. 152—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to Registers' certificates in cases where the title of purchasers of State lands fails.

Referred to Committee on Public and Swamp and Overflowed Lands.

By Mr. Lenahan (by request): Senate Bill No. 153—An Act to provide for the payment of the claims of R. C. Ball, as architect of the State Prison at Folsom, and to appropriate money for the purpose of such payment.

Referred to Committee on Claims.

By Mr. Briceland: Senate Bill No. 154—An Act to amend the title and section one of an Act entitled "An Act concerning action for libel and slander," approved March 23, 1872, so as to have the said Act relate to actions for malpractice in surgery or medicine.

Referred to Committee on Judiciary.

By Mr. Spellacy: Senate Bill No. 155—An Act to amend sections four hundred and ninety-seven, four hundred and ninety-nine, and five hundred and two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroads and the sale of franchises therefor.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Clunie: Senate Bill No. 156—An Act to amend an Act entitled "An Act to amend section six of an Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Referred to Committee on Commerce and Navigation.

Also, Senate Bill No. 157—An Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and thirty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Referred to Committee on Commerce and Navigation.

By Mr. Langford: Senate Bill No. 158—An Act to repeal Chapter CCCXXIX of the Political Code, relating to the establishment of a system of irrigation, and to promote rapid drainage, and improvement of the navigation of the Sacramento and San Joaquin Rivers.

Referred to Committee on Public and Swamp and Overflowed Lands.

#### SECOND READING OF BILLS.

Senate Bill No. 46—An Act to amend section six hundred and thirty-three of the Penal Code, relating to violations of the law for the preservation of fish.

Read second time, and ordered engrossed.

#### RESOLUTIONS.

Resolutions were introduced, and disposed of as follows:

By Mr. Dixon (by request):

*Resolved*, That John Wilkins be and is hereby appointed Porter of Corporation Committee room, or other rooms of the Senate, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Briceland (by request):

*Resolved*, That William Craig be and is hereby allowed two weeks' pay, at a per diem of four dollars, as Porter of the committee rooms, payable out of the contingent fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Meany:

*Resolved*, That the Committee on Claims be and are hereby authorized to summon persons and send for papers in relation to the claims or bills on claims referred to said committee.

Adopted.

By Mr. Jones:

*Resolved*, That an appropriation of twenty-five dollars for contingent expenses of the Sergeant-at-Arms be made from the Contingent Fund of the Senate.

Adopted.

By Mr. Yell:

*Resolved*, That the sum of ten dollars be and the same hereby is appropriated for the purchase of stamps for the use of the Judiciary Committee, payable out of the Contingent Fund of the Senate, upon requisition of the Chairman of such committee.

Adopted.

By Mr. Murphy:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for ten dollars, paid for the rent of a box at the Post Office for the twenty-seventh session. Also, in favor of the same officer, for two dollars, the price of a folding chair purchased for the Senate.

Adopted.

Also:

*Resolved*, That G. Huddleston be and is hereby allowed four days' pay from the ninth to the thirteenth day of January, 1887, as Porter, at a per diem of four dollars per day, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Crandall:

*Resolved*, That when the order for the introduction of bills is reached, the roll call of Senators be had, and that each Senator, when his name is called, may introduce such bill or bills as he may desire.

Mr. Crandall moved the adoption of the resolution.

Mr. Langford moved to amend, by referring the resolution to the Committee on Rules.

Mr. Caminetti interposed the point of order, "that the resolution, being in the nature of an amendment to the rules, one day's notice would be required before the same could be considered by the Senate."

The Chair decided the point of order well taken.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Clunie: Senate Bill No. 159—An Act to protect the manufacturing industries of this State.

Referred to Committee on Labor and Capital.

By Mr. Caminetti: Senate Bill No. 160—An Act to amend section nine of an Act entitled "An Act for the promotion of the viticultural industries of the State in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof."

Referred to Committee on Viniculture and Viticulture.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Goucher:

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to have telegraphed to each of our Senators and Representatives in Congress, the concurrent resolution adopted by the Senate and Assembly, requesting the restoration of ex-Governor George Stoneman to the retired list of the United States Army, and that the expense thereof be paid out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Lenahan:

*Resolved*, That James Touhey be allowed six days' pay for services rendered as Watchman of the Senate Chamber, at a per diem of four dollars, payable out of the Contingent Fund of the Senate, said services having been rendered by him during the preliminary organization of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Moffitt moved that when the Senate adjourns this day it stand adjourned until Monday, the twenty-fourth instant, at two o'clock and thirty minutes P. M.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Rose was, at his request, granted five days' leave of absence.

Mr. Briceland, requested and was granted indefinite leave of absence for the Committee on Hospitals.

At the request of Mr. Meany, the Committee on Claims was granted leave of absence on Monday and Tuesday next.

#### ADJOURNMENT.

Thereupon, on motion of Mr. Meany, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,

Monday, January 24, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Moffitt, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of Friday, the twenty-first instant, read and approved.

## LEAVE OF ABSENCE.

At the request of Mr. Jones, Mr. Murphy was granted one day's leave of absence.

The President announced that he had received further documents in the contested election case of P. J. Crimmins for the office of State Senator from the Twenty-third Senatorial District of the State of California, by W. H. Williams.

Referred to Committee on Elections.

## PETITIONS.

Mr. Moffitt, by request, presented a remonstrance from D. J. Staples and others, against the passage of Senate Bill No. 59—Entitled "An Act to amend section number six hundred and sixteen of the Political Code, relating to insurance companies."

On motion of Mr. Vrooman, the remonstrance was ordered placed on file with said Senate Bill No. 59.

Mr. Steele presented a petition, numerously signed, for the enactment of a Sunday law.

Mr. Steele moved a reference of said petition to the Committee on Public Morals.

So ordered.

## REPORTS OF STANDING COMMITTEES.

## ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, January 24, 1887.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 3—Entitled "An Act to repeal section one thousand four hundred and twenty-two of Title VIII of the Civil Code of California"—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass, as amended. Said bill, as amended, is herewith submitted.

WHITE, Chairman.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 24, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 29—Entitled an Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries

Public—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 105—Entitled an Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor—and recommend that it be referred to Committee on Finance.

Also, Senate Bill No. 108—Entitled an Act to amend section one thousand three hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," as amended in 1878, relating to the order of persons entitled to administer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

By Mr. Goucher, in behalf of Mr. Meany:

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 24—Entitled an Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second-Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to special orders, No. 26, series 1880, issued from general headquarters—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MEANY, Chairman.

ON FORESTRY.

SENATE CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: Your Committee on Forestry, to whom was referred Concurrent Resolution No. 3—Relative to the withdrawal of Government land from sale—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 41—An Act to encourage tree planting within the State of California—have had the same under consideration, and respectfully report the same back, with amendment, and recommend that it do pass, as amended.

Also, Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and provide for the expenses of said Board—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOGGS, Chairman.

ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 24, 1887.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture, to whom was referred Senate Bill No. 26—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Also, Senate Bill No. 160—An Act to amend section nine of an Act entitled "An Act for the promotion of the viticultural industries of the State," in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CAMINETTI, Acting Chairman.

From the Attorney-General, in response to the following resolution, adopted in Senate on the nineteenth instant:

WHEREAS, the Controller has refused to draw his warrant in favor of R. G. Falk for services rendered as Minute Clerk of the Senate during the temporary organization; therefore,

*Resolved*, That the opinion of the Attorney-General be obtained by the Secretary of the Senate as to the right of the Controller to withhold said warrant, as follows:

OFFICE OF THE ATTORNEY-GENERAL OF THE STATE OF CALIFORNIA, )  
SACRAMENTO, January 24, 1887. }

To the Secretary of the Senate of California:

DEAR SIR: I herewith inclose the opinion which the Senate requested you to obtain from this office.

Very respectfully,

G. A. JOHNSON, Attorney-General.

*To the Senate of the State of California :*

I have the honor to inform your honorable body that I am in receipt of your communication of the twentieth instant, informing me that the State Controller has refused to draw his warrant in favor of R. G. Falk for services rendered as Minute Clerk of the Senate during the temporary organization thereof, and of the resolution accompanying said communication, asking the opinion of this office as to the rights of the Controller to withhold said warrant.

In reply I have to say, that the law makes it the duty of the Controller "to draw warrants on the Treasurer for the payment of moneys directed by law to be paid out of the Treasury, but no warrant must be drawn unless authorized by law," etc.

The simple question, then, is, would not a warrant if drawn by the Controller be authorized by law?

Under section two hundred and thirty-seven of the Political Code, it was the duty of Mr. Falk, as Minute Clerk of the last Senate, to attend at the commencement of the present session of that body, and perform the duties of his office until his successor was elected and qualified. It appears from the Journal that his successor was elected and qualified on January 3, 1887. For his attendance Mr. Falk was entitled under the law to his mileage and to his per diem for three days. The per diem would amount to twenty-four dollars.

The Journal of the Senate shows that he was allowed one week's pay, which would be fifty-six dollars. That amount being in excess of the amount allowed by law for the service, the Controller was justified in refusing to draw his warrant. Another question may also be discussed, although it is not necessary in view of the conclusion already reached.

It appears from the Journal of the honorable the Assembly, that on the third instant Mr. Falk was elected Assistant Minute Clerk of that body. The hours of actual meeting of that body, on third, fourth, and fifth instants, were respectively at twelve o'clock *a. m.*, two *p. m.*, and ten *a. m.*, and of the Senate at twelve o'clock *a. m.*, eleven *a. m.*, and two o'clock *p. m.*; but under the rules of the last Assembly and the last Senate, the hour of meeting of those bodies was respectively at ten and eleven o'clock *a. m.* on those days.

It is fair to assume that the Assembly, in electing an Assistant Minute Clerk, thought his presence was necessary in that body. Now, Mr. Falk could not be present in both Houses at one and the same time, as on the third instant. If his presence was not necessary in each House at one and the same time on the fourth and fifth instants, to say the least, it might have been necessary.

The words "per diem" call for service for the whole day. The two offices were therefore not compatible, and Mr. Falk could not draw per diem for both.

It seems the Controller drew his warrant for forty-eight dollars, for Falk's per diem in the Assembly from the third to the eighth instant, inclusive of both days. This covers six days, for which he was also allowed his per diem in the Senate. He was entitled to his per diem in the Senate for only three days; and assuming, for the purposes of the argument, that he was entitled to his per diem in the Assembly for the other three days of that week, amounting altogether to forty-eight dollars, nevertheless he has already received that sum from the State Treasury.

Although both Houses have their separate Contingent Fund, yet it all comes from the public treasury. Each House is the trustee of a public trust in respect to the moneys of the State, and if either House err from inattention or mistake, still it is the duty of the Controller to see that the administration of the trust is in accordance with law. Section thirteen, Article IV, of the Constitution, prevents the Legislature from making a gift of anything in value to any individual.

It is the duty of the Minute Clerk and of the Assistant, if one is allowed by law, to keep a correct record of the proceedings of the House where he acts. It is from these minutes that the Journal Clerk is supposed to write his Journal. If the Journal is not properly kept, it may affect legislation itself. As for instance, the Constitution requires the yeas and noes to be taken on the final passage of a bill; if this is not done and shown by the Journal, the bill could not become a law. This only shows the importance of these officers being in place. I conclude, therefore, that the offices of Minute Clerk in the Senate and Assistant Minute Clerk in the Assembly are incompatible employments, and that the Controller properly withholds the warrant.

G. A. JOHNSON, Attorney-General.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 118—An Act to amend section three thousand seven hundred and sixty-eight of the Political Code of the State of California, relating to the time and place where sales of property for delinquent taxes shall be held.

FRANK D. RYAN, Chief Clerk.  
By ED. J. SMITH, Assistant Clerk.

On motion of Mr. Clunie, Assembly Bill No. 118, reported from the Assembly, was referred to the Judiciary Committee.

### REPORT—(OUT OF ORDER).

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 24, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:  
Senate Bill No. 46.

DIXON, Acting Chairman.

### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Gesford: Senate Bill No. 161—An Act to amend section twenty-one of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880.

Referred to Committee on State Prison and Prison Buildings.

By Mr. Goucher: Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Referred to Committee on Fish and Game.

By Mr. Boggs: Senate Bill No. 163—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom for the thirty-seventh fiscal year.

Referred to Committee on Finance.

By Mr. Dray: Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor.

Referred to Committee on Public Buildings other than Prison Buildings.

By Mr. Sargent: Senate Bill No. 165—An Act to amend section six hundred and twenty-six of the Penal Code, relative to fish and game.

Referred to Committee on Fish and Game.

By Mr. Hall: Senate Bill No. 166—An Act to add a new section to the Code of Civil Procedure, to be numbered four hundred and sixty-six, relative to the pleadings, evidence, and costs in action upon policies of fire insurance, in certain cases.

Referred to Committee on Corporations.

Also, Senate Bill No. 167—An Act to amend section two thousand six hundred and forty-three of the Political Code, relating to the powers of Supervisors over roads in the several counties of this State.

Referred to Committee on Roads and Highways.

By Mr. Caminetti: Senate Bill No. 168—An Act to propose an amendment to section two, of Article IV, of the Constitution of the State of California.

Referred to Committee on Constitutional Amendments.

Also, Senate Bill No. 169—An Act to add a new section to the Code of Civil Procedure, relating to the Supreme Court.

Referred to Committee on Judiciary.

Also, Senate Bill No. 170—An Act to amend section six hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to the compensation of Fish Commissioners.



**Referred to Committee on Fish and Game.**

By Mr. Jones: Senate Bill No. 171—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

**Referred to Committee on Judiciary.**

Also, Senate Bill No. 172—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section one thousand and fifty-six (1056), and to amend section one thousand and fifty-seven (1057) of said Act, relating to sureties on undertakings and bonds.

**Referred to Committee on Judiciary.**

Also, Senate Bill No. 173—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand one hundred and twenty-nine, relating to the sale of mortgaged premises by a Commissioner.

**Referred to Committee on Judiciary.**

Also, Senate Bill No. 174—An Act to establish a uniform system of fees in the State of California, and to repeal all Acts and parts of Acts inconsistent therewith.

**Referred to Committee on Counties, County Government, and Township Organization.**

By Mr. Moffitt: Senate Bill No. 175—An Act to amend sections three thousand four hundred and ninety-four and three thousand four hundred and ninety-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public lands of this State.

**Referred to Committee on Public and Swamp and Overflowed Lands.**

By Mr. White: Senate Bill No. 176—An Act to amend section one thousand three hundred and thirteen of Chapter I, Title VI, of Division II, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by substituting in said section the word "issue" in lieu of the words "legal heirs," and by restraining the power of a testator as against his issue to devise or bequeath for charitable uses more than one third of his estate.

Also, Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to Article VI, of Chapter II, Title VIII, of said Code, to be known as section two thousand two hundred and ninety, relating to legal proceedings in cases of trusts.

**Referred to Committee on Judiciary.**

Also, Senate Bill No. 178—An Act to amend section two hundred and sixty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing for the punishment of seduction accompanied by means of false representations and pretenses, or other fraudulent means.

**Referred to Committee on Judiciary.**

Also, Senate Bill No. 179—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter I, Title IX, of Part I, thereof, two new sections, numbered respectively two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction and sexual intercourse, procured and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

Referred to Committee on Judiciary.

Also, Senate Bill No. 180—An Act to amend section one thousand one hundred and ten of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the party seduced to be corroborated in all cases arising or prosecuted under the provisions of section two hundred and sixty-eight of said Code.

Referred to Committee on Judiciary.

Also, Senate Bill No. 181—An Act to repeal an Act entitled "An Act entitled an Act to punish seduction," approved March 17, 1872.

Referred to Committee on Judiciary.

By Mr. Langford: Senate Bill No. 182—An Act to amend section two thousand six hundred and forty-three of the Political Code of the State of California, relating to the powers of Supervisors in their general supervision over the roads within their respective counties.

Referred to Committee on Roads and Highways.

Also, Senate Bill No. 183—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending section twenty-six of said Act, relating to ordinances.

Referred to Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 184—An Act to repeal an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872.

By Mr. Haynes: Senate Bill No. 185—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto certain new sections constituting Title IV, Part IV, making municipal corporations liable for injury to property by mobs or riots, under certain circumstances, and providing a method for the ascertainment and payment of claims therefor.

Referred to Committee on Judiciary.

### THIRD READING OF BILLS.

Senate Bill No. 46—An Act to amend section six hundred and thirty-three of the Penal Code, relating to violations of the law for the preservation of fish.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Chandler, Clunie, Conklin, Crummins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Moffitt, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson—25.

NOES—None.

Title read and approved.

### MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Dray:

*Resolved*, That William Longshore be allowed the per diem allowed Pages, for six days, from January 3, 1887, to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

## NOTICE TO AMEND THE STANDING RULES OF THE SENATE.

By Mr. White, as follows:

The undersigned hereby gives notice that at the regular meeting of the Senate to-morrow he will move that the following resolution be adopted, to wit:

*Resolved*, That Rule One of the Standing Rules of the Senate be amended, so as to read as follows:

## OPENING OF THE DAILY SESSION.

The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock to one o'clock and thirty minutes P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock and thirty minutes P. M.

STEPHEN M. WHITE.

## CONCURRENT RESOLUTION.

By Mr. Caminetti:

WHEREAS, It is reported that the honorable the Secretary of State of the United States recommended the reduction of the duty on raisins; whereas, such reduction, if made, would be injurious to a large and growing industry in this State; therefore, be it

*Resolved by the Senate, the Assembly concurring*, That our Senators be instructed and our Representatives be requested, to use all honorable endeavors to prevent such reduction.

*Resolved*, That the Governor of the State of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and one to the Secretary of State of the United States.

Referred to Committee on Viniculture and Viticulture.

Mr. Vrooman gave notice of an amendment to the Standing Rules of the Senate, as follows:

MR. PRESIDENT: I hereby give notice that I will, on to-morrow, move the Senate to amend Rule XXVIII of the Standing Rules of the Senate, by adding to section twenty-eight the following: "Upon the final action by the Senate upon any resolution, motion, or proceeding, involving or authorizing the expenditure of money, the ayes and noes shall be taken."

## JOINT RESOLUTION.

By Mr. Wilson: Joint Resolution No. 1, as follows:

WHEREAS, The Atlantic and Pacific coasts of the United States are unprovided with defense against maritime attack from any power possessing a modern cruiser armed with long range ordnance; and whereas, such a condition is inconsistent with patriotic duty and ordinary prudence; therefore, be it

*Resolved*, That the Legislature of California respectfully urge upon the National Government the necessary legislation to secure the plant for the construction of modern ordnance, the construction of modern batteries, and of rapid armored vessels for the defense of our seacoast and maritime interests on both sides of the continent.

*Resolved*, That a legislative body has no higher duty than the national defense, and that our people will gladly support the policy of a judicious expenditure of the public funds for this purpose.

*Resolved*, That attested copies of this joint resolution be forwarded to the Senate and House of Representatives in Congress assembled.

Adopted.

## CONCURRENT RESOLUTION.

By Mr. Caminetti, as follows:

*Resolved by the Senate, the Assembly concurring*, That the Secretary of State be and he is hereby required to distribute to each Senator and member of the Assembly one copy of the first volume of the final report of the State Engineer on Irrigation and entitled "Irrigation Development."

Adopted.

FIRST READING OF BILLS.

Senate Bill No. 59—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Mr. White moved that the bill and petitions against the passage of the bill be referred to Committee on Judiciary.

So ordered.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, numbered one hundred and eighty, for the punishment of contempt of Court.

Read first time, and ordered on file.

Senate Bill No. 10—An Act to provide two additional Judges of the Superior Court of the County of Los Angeles, State of California.

Read first time, and ordered on file.

Senate Bill No. 92—An Act to appropriate money for the support of the California Home for the Care and Training of Feeble-Minded Children, from the first day of January, 1887, to the first day of July, 1887.

Read first time, and ordered on file.

Senate Bill No. 101—An Act to prevent injuries to navigable streams.

Mr. Caminetti moved a reference of the bill to the Committee on Mines, Drainage, and Mining Debris.

Pending consideration of said motion, Mr. Goucher moved a call of the Senate.

On the motion of Mr. Goucher, the ayes and noes were demanded by Messrs. Walrath, Goucher, and Caminetti, and the motion for a call of the Senate was denied by the following vote:

AYES—Messrs. Abbott, Caminetti, Conklin, Goucher, Hall, Haynes, Hinshaw, Jones, Vrooman, Walrath, and Wilson—11.

NOES—Messrs. Chandler, Clunie, Dixon, Dray, Gesford, Langford, McCudden, Roth, Sargent, Steele, and White—11.

The President, in the exercise of his constitutional right, giving the casting vote.

Mr. Caminetti moved to adjourn.

The ayes and noes were demanded by Messrs. Chandler, Dixon, and Steele, and the motion was lost by the following vote:

AYES—Messrs. Abbott, Caminetti, Conklin, Goucher, Hall, Haynes, Jones, Vrooman, Walrath and Wilson—10.

NOES—Messrs. Boggs, Chandler, Clunie, Dixon, Dray, Gesford, Hinshaw, Langford, McCudden, Roth, Sargent, Steele, and White—13.

CALL OF THE SENATE.

Mr. Caminetti moved a call of the Senate.

The ayes and noes were demanded by Messrs. Caminetti, Goucher, and Walrath, and a call of the Senate was ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Caminetti, Conklin, Goucher, Hall, Haynes, Jones, Roth, Sargent, Vrooman, Walrath, White, and Wilson—14.

NOES—Messrs. Chandler, Clunie, Dixon, Dray, Gesford, Hinshaw, Langford, McCudden, and Steele—9.



The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Caminetti, Chandler, Clunie, Conklin, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson.

Mr. Clunie moved that further proceedings under the call be dispensed with, and it was so ordered.

#### ADJOURNMENT.

Thereupon, at five o'clock and ten minutes p. m., on motion of Mr. Walrath, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER. )  
Tuesday, January 25, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Moffitt, Murphy, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Reading of Journal of yesterday commenced with, pending the reading, on motion of Mr. Sullivan, further reading of the Journal was dispensed with, and the same considered approved.

President pro tem. S. M. White in the chair.

The President pro tem. announced that he had received additional documents in the contested election case of John W. Ryland against E. B. Conklin, for the office of State Senator for the Thirty-second Senatorial District.

Referred to Committee on Elections.

#### REPORTS OF STANDING COMMITTEES.

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 25, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 66—Entitled an Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election, November 2, 1886—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 60—Entitled an Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 24, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bills Nos. 22 and 28, have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also, Senate Bill No. 102—And recommend that it do pass.

GESFORD, Chairman.

## ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 24, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the mileage account of the Committee on Public Buildings, of the Senate—having had the same under consideration, beg leave to report that the committee is entitled to mileage for visiting the Asylum for the Deaf, Dumb, and Blind, at Berkeley, and the Asylum for the Adult Blind, at Oakland, as follows:

	Miles.	Amount
Senator McCudden .....	192	\$19 20
Senator Langford .....	192	19 20
Senator McCarthy .....	192	19 20
Senator Abbott .....	192	19 20
Senator Vrooman .....	192	19 20
Clerk Ryan .....	192	19 20

And the committee recommend the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators McCudden, Langford, McCarthy, Abbott, Vrooman, and Clerk Ryan, for \$19 20 each, mileage due for visiting the Asylum for the Deaf, Dumb, and Blind, and the Asylum for the Adult Blind.

MURPHY, Chairman.

Adopted.

## ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 25, 1887.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture, to whom was referred Senate Concurrent Resolution No. 4—Relative to the reduction of duty on raisins—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Acting Chairman.

On motion of Mr. Caminetti, Senate Concurrent Resolution No. 4, above reported, was adopted.

## INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. White: Senate Bill No. 186—An Act to amend sections six, eight, nine, and twelve, of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add four new sections to said Act, to be known as sections thirteen, fourteen, fifteen, and seven, and to repeal section seven of said Act.

Referred to Committee on Viniculture and Viticulture.

By Mr. Sullivan: Senate Bill No. 187—An Act to create and maintain a Relief and Pension Fund in the Police Department of all cities in this State having a police force of ten or more members, and to provide for the administration of such fund.

Referred to Committee on Judiciary.

Also, Senate Bill No. 188—An Act to amend an Act entitled "An

Act to grant Boards of Health, or Health Officers, in cities and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers," approved March 3, 1885, by amending sections one and two thereof.

Referred to Committee on Hospitals.

By Mr. Haynes: Senate Bill No. 189—An Act to amend an Act entitled "An Act to incorporate the City of Eureka," approved February 10, 1874, and to change the boundaries of said city.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Moffitt: Senate Bill No. 190—An Act appropriating the sum of forty thousand dollars to erect two buildings for the purpose of furnishing dormitories and dining-rooms for the male and the female adult blind inmates at the Home for the Adult Blind.

Referred to Committee on Finance.

Also, Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Referred to Committee on Finance.

Also, Senate Bill No. 192—An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.

Referred to Committee on Finance.

By Mr. Conklin: Senate Bill No. 193—An Act to amend section two hundred and sixty-one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the crime of rape.

Referred to Committee on Judiciary.

## SECOND READING OF BILLS.

Senate Bill No. 17—An Act to amend section seven of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employed them," approved March 30, 1878, by making applicable thereto section one thousand one hundred and ninety-five of the Code of Civil Procedure.

Ordered engrossed, and placed on file for third reading.

Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Ordered engrossed, and placed on file for third reading.

Senate Bill No. 10—An Act to amend section six hundred and ninety of the Code of Civil Procedure, exempting fishing boats and nets from execution.

On motion of Mr. Abbott, section one of the bill was amended by striking out the word "two" and inserting in lieu thereof the word "three."

The bill was then ordered engrossed, and placed on file for third reading.

Senate Bill No. 92—An Act to prevent the spreading of contagious diseases among sheep.

On motion of Mr. Boggs, referred to Committee on Agriculture.

# MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Jones:

*Resolved*, That the Secretary of State be and he is hereby directed to certify to the Controller a statement of the amount of stationery, stamps, etc., drawn by each member of the Senate, and that the Controller be and he is hereby directed to draw a warrant in favor of each member of this Senate for the sum of twenty-five dollars, as his contingent expenses allowance, less the amount of stamps, etc., drawn by him; said warrant to be made payable out of the appropriation for contingent expenses of the Senate.

*Resolved*, That the Secretary of State be and he is hereby directed not to honor any further requisitions on his office by members of the Senate; and be it further

*Resolved*, That that portion of Senate resolution hitherto made, requiring the reservation of the sum of eleven dollars from the contingent fund of each Senator as security for the return to the Secretary of State of the edition of the Codes, be rescinded, and that said sum of eleven dollars be reserved from the salary of each Senator for the last week of the session, in case the copies of the Codes be not returned by the Senators.

Adopted.

By Mr. Moffitt (by request):

*Resolved*, That Chauncey Clark be and he is hereby appointed Assistant Journal Clerk of the Senate, at the same per diem as Journal Clerk, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Patterson was, at his request, recorded as present at roll call.

## PETITION—(OUT OF ORDER).

Mr. Conklin presented a petition for the enactment of a Sunday law.

Read and referred to Committee on Public Morals.

## NOTICE TO AMEND THE STANDING RULES OF THE SENATE.

By Mr. Vrooman, as follows:

*Resolved*, That Rule XXVIII of the Standing Rules of the Senate is hereby amended, by adding thereto the following, to wit: "Upon final action by the Senate upon any resolution, motion, or proceeding, involving or authorizing the expenditure of money, the yeas and noes shall be taken."

Referred to Committee on Rules.

By Mr. White, as follows:

The undersigned hereby gives notice that at the regular meeting of the Senate to-morrow he would move that the following resolution be adopted, to wit:

*Resolved*, That Rule One of the Standing Rules of the Senate be amended, so as to read as follows:

### OPENING OF THE DAILY SESSION.

The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock to one o'clock and thirty minutes P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock and thirty minutes P. M.

Referred to Committee on Rules.



## INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred as follows:

By Mr. Boggs: Senate Bill No. 194—An Act making appropriation for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Referred to Committee on State Prison and Prison Buildings.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Joint Resolution No. 3—Relative to the construction of a breakwater at Port Harford, in the Bay of San Luis Obispo.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

On motion of Mr. Steele, Assembly Concurrent Resolution No. 3 was adopted.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees, as follows:

By Mr. Clunie: Senate Bill No. 195—An Act to create an Irrigation, Drainage, and Water Rights Legislation Commission, to define its powers and duties, and to provide for payment of its costs and expenses.

Referred to Committee on Irrigation and Water Rights.

Also (by request), Senate Bill No. 196—An Act to amend section one thousand six hundred and twenty-four of the Civil Code, as amended by an Act entitled "An Act to amend section one thousand six hundred and twenty-four of the Civil Code," approved March 9, 1876.

Referred to Committee on Judiciary.

## FIRST READING OF BILLS.

Senate Bill No. 101—An Act to prevent injuries to navigable streams.

Referred to Committee on Mines, Drainage, and Mining Debris, with instruction to report the same back on Tuesday next.

Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read first time, and ordered on file for second reading.

Senate Bill No. 33—An Act to amend section three hundred and sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to the acquisition and holding of real property by corporations, and the distribution thereof to stockholders.

Passed on file.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two of Title VIII of the Civil Code of California.

Read first time, and ordered on file for second reading.

Senate Bill No. 24—An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public.

Read first time, and ordered on file for second reading.

Senate Bill No. 108—An Act to amend section one thousand three hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," as amended in 1878, relating to the order of persons entitled to administer.

Read first time, and ordered on file for second reading.

Senate Bill No. 23—An Act to provide for the claim of Colonel W. B. Harris, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to special orders No. 20, series 1880, issued from General Headquarters.

Read first time, and ordered on file for second reading.

Senate Concurrent Resolution No. 3—Relative to the withdrawal of Government timber land from sale.

On motion of Mr. Yell, made the special order for Monday next, immediately after the reading of the Journal.

Senate Bill No. 41—An Act to encourage tree planting within the State of California.

Read first time, and ordered on file for second reading.

Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

Read first time, and ordered on file for second reading.

Senate Bill No. 26—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Read first time, and ordered on file for second reading.

Senate Bill No. 199—An Act to amend section nine of an Act entitled "An Act for the promotion of viticultural industries of the State in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof."

Read first time, and ordered on file for second reading.

Mr. Wilson moved to rescind the order to engross Senate Bill No. 93. Carried.

Mr. Wilson then introduced an amendment to section one of said bill as follows: "On line eight, strike out the word 'two,' and insert in lieu thereof the word 'three.'"

So ordered.

Also, to amend by inserting the enacting clause.

So ordered.

The bill was then read a second time, ordered engrossed, and placed on file for third reading.

On motion of Mr. Caninevetti, the order to engross Senate Bill No. 17—An Act to amend section seven of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and loaded by the persons who employed them," approved March 20, 1878, by making applicable thereto section one thousand one hundred and ninety-five of the Code of Civil Procedure, was also rescinded.

Mr. Caminetti offered an amendment to the title of said bill, by adding thereto as follows: "Concerning consolidation of separate actions."

The bill, so amended, was then read a second time, ordered engrossed, and placed on file for third reading.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

Bills were introduced, read by title, and referred as follows:

By Mr. Gesford: Senate Bill No. 197—An Act to propose an amendment to section seven (7), of article nine (IX), of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

Referred to Committee on Education.

By Mr. Yell: Senate Bill No. 198—An Act to provide for the deficiency in the appropriation for payment of rewards for the arrest and conviction of highway robbers, during the thirty-sixth fiscal year, offered by the Governor.

Referred to Committee on Finance.

By Mr. Pinder: Senate Bill No. 199—An Act prohibiting savings banks or savings and loan societies, and the attorneys, counsel, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

Referred to Committee on Banks and Banking.

On motion of Mr. Vrooman, the hour for recess was extended until the business pending before the Senate be disposed of.

Mr. Moffitt moved that Senate Bills Nos. 48 and 49, heretofore referred to the Committee on Public Buildings other than Prison Buildings, be recalled from said committee and referred to the Committee on Finance.

So ordered

On motion of Mr. Clunie, Senate Bill No. 66—"An Act to appropriate money to pay for the publication of Amendment Number One of the Constitution, as submitted at the general election, November 2, 1886"—was re-referred to the Committee on Finance.

#### ADJOURNMENT.

Thereupon, at one o'clock and thirty-five minutes P. M., on motion of Mr. Vrooman, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Wednesday, January 26, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

#### PETITIONS.

By Mr. Dray: From John Q. Brown, John Ryan, and W. R. Jones, Trustees of the City of Sacramento, asking that the mineral cabinet in State Library be put in charge of E. B. Crocker Art Gallery and Museum Association of Sacramento.

Referred to Committee on State Library, with Senate Bill No. 87.

By Mr. Goucher: From citizens and taxpayers of Mono County, relative to salaries of county officers, and to amending the Constitution, relative to licensing and taxing live stock.

Referred to Committee on Counties, County Government, and Township Organization.

#### REPORTS OF STANDING COMMITTEES.

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 48—Entitled an Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 66—Entitled an Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election, November 2, 1886.

Also, Senate Bill No. 49—Entitled an Act to provide for the permanent support of the University of California by the levy of a rate of taxation, and the creation of a fund therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

##### ON JUDICIARY—MAJORITY REPORT ON SENATE BILL NUMBER ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1—Entitled "An Act to provide two additional Judges of the Superior Court of the County of Los Angeles, State of California"—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend the adoption of the substitute and the passage of the same.

CLUNIE, Chairman.

##### ON JUDICIARY—MINORITY REPORT ON SENATE BILL NUMBER ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1—Entitled "An Act to provide two additional Judges of the Superior Court of the County of Los Angeles, State of California"—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend the adoption of the substitute and the passage of the same, as amended.

THOS. J. CLUNIE.

At Mr. Clunie's request, the Judiciary Committee were allowed until Friday next to report upon Senate Bill No. 33.



## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Also, Senate Bill No. 17—An Act to amend "An Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employed them," approved March 30, 1878, by making applicable thereto section one thousand one hundred and ninety-five (1195) of the Code of Civil Procedure.

Also, Senate Bill No. 10—An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting fishing boats and nets from execution.

DIXON, Acting Chairman.

## ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 134—Entitled an Act to amend sections two and eight of an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DIXON, Chairman.

## ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, January 25, 1887.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 47—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GESFORD, Chairman.

## ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 25, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Miss Rachel Gift, Mrs. F. M. Clough, and Miss Mollie Scaniker be and are hereby elected Assistant Engrossing Clerks of the Senate, at the same per diem as the principal of said office, payable from and after January 7, 1887, out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, without recommendation.

MURPHY, Chairman.

The question being on the adoption of the resolution reported back without recommendation, Mr. Murphy moved to amend by striking out, in the resolution, the words "at the same per diem as the principal of said office," and insert the words, "at a per diem of five dollars."

So ordered.

The resolution, as amended, was then adopted.

## ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 137—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor, and the duties of County Clerks in relation thereto.

Also, Senate Bill No. 130—An Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMINETTI, Chairman.

## ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 131—An Act to add a new section to the Political Code of the State of California, to be numbered section four thousand two hundred and twenty-five, in relation to the duties of County Auditors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 12—An Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

## ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture, to whom was referred Senate Bill No. 142—"An Act to amend section three thousand six hundred and seven of the Political Code of the State of California," relating to property subject to taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Judiciary Committee, to report on the constitutionality of the amendment offered to the section stated in the title.

CAMINETTI, Acting Chairman.

On motion of Mr. Caminetti, Senate Bill No. 142 was referred to the Committee on Judiciary.

## ON RULES.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following resolution by Mr. Vrooman:

*Resolved*, That Rule 28 of the Standing Rules of the Senate is hereby amended, by adding thereto the following, to wit: "Upon final action by the Senate upon any resolution, motion, or proceeding, involving or authorizing the expenditure of money, the yeas and nays shall be taken."

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LANGFORD, Chairman.

On adoption of the report of the committee the roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—36.

NOES—None.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following concurrent resolution, viz.:

*Resolved by the Assembly, the Senate concurring*, That one copy of every bill in any way referring to Courts of justice, or judicial officers, or which amends the Penal Code, or Code of Civil Procedure of this State, shall be furnished by the Secretary of State to each Judge of a Superior Court, to each District or Prosecuting Attorney, and to each County Clerk, in this State, immediately upon its becoming a law. The State Printer is hereby directed to deliver to the Secretary of State two hundred and fifty copies of each of said laws for distribution, pursuant to the provisions of this resolution.

FRANK D. RYAN, Chief Clerk.  
Ed. J. SMITH, Assistant Clerk.

On motion of Mr. Yell, Assembly concurrent resolution above reported was adopted.

## INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Crandall: Senate Bill No. 200—An Act to amend section one hundred and sixty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, and amended by an Act approved March 18, 1885, relating to the compensation of county officers in counties of the third class.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Meany: Senate Bill No. 201—An Act to appropriate money to pay the claim of R. F. Del Valle.

Referred to Committee on Claims.

Also, Senate Bill No. 202—An Act to appropriate money to pay the claim of Benjamin Knight.

Referred to Committee on Claims.

Also, Senate Bill No. 203—An Act to appropriate money to pay the claim of W. F. Brown, or his executors or administrators.

Referred to Committee on Claims.

Also, Senate Bill No. 204—An Act to appropriate money to pay the claim of B. F. Langford.

Referred to Committee on Claims.

Also, Senate Bill No. 205—An Act to appropriate money to pay the claim of E. T. Wilkins.

Referred to Committee on Claims.

By Mr. Roth: Senate Bill No. 206—An Act to amend section two of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural districts, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. —."

Referred to Committee on Agriculture.

By Mr. Pinder: Senate Bill No. 207—An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

Referred to Committee on Finance.

By Mr. Clunie: Senate Bill No. 208—An Act to pay the claim of J. S. Lottritz.

Referred to Committee on Claims.

Also (by request), Senate Bill No. 209—An Act to provide for the recording of conditional bills of sale.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 210—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

Referred to Committee on Judiciary.

By Mr. McDonald: Senate Bill No. 211—An Act to provide for the better protection of life and limb, and to guard against accidents on street and cable roads, by the use of safety guards, and to punish negligence.

Referred to Committee on Corporations.

By Mr. Hinshaw: Senate Bill No. 212—An Act to amend an Act entitled an Act to establish a uniform system of county governments, approved March 14, 1883.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Yell: Senate Bill No. 213—An Act to amend sections two thousand four hundred and thirty-three, two thousand four hundred and thirty-six, two thousand four hundred and forty, and two thousand four hundred and forty-three, of Article V, of the Political Code, relating to pilots and Pilot Commissioners, and two thousand four hundred and fifty-seven, two thousand four hundred and sixty, two thousand four hundred and sixty-two, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, and two thousand four hundred and sixty-seven, of Article VI, of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia.

Referred to Committee on Judiciary.

By Mr. Caminetti: Senate Bill No. 214—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Referred to Committee on Finance.

### THIRD READING OF BILLS.

Senate Bill No. 17—An Act to amend section seven of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employed them," approved March 30, 1878, by making applicable thereto section one thousand one hundred and ninety-five of the Code of Civil Procedure.

Passed on file.

Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Passed on file.

Senate Bill No. 10—An Act to amend section six hundred and ninety of the Code of Civil Procedure, exempting fishing boats and nets from execution.

Read third time, and passed by the following vote:

AYES Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES None.

### SECOND READING OF BILLS.

Senate Bill No. 120—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

The question being, "Shall the bill be read a second time?" the ayes and noes were demanded by Messrs. Yell, Dixon, and Abbott.

Pending consideration of the bill, the hour of recess having arrived, the President declared a recess.



## REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

President Waterman in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lennahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Consideration of Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of "An Act to establish a Political Code," approved March 12, 1872—resumed; Mr. Langford having the floor, the question being on the second reading of the bill.

Pending further consideration of the bill, on motion, the same was passed on the file.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California.

On the second reading of the bill, the ayes and noes were demanded by Messrs. Moffitt, Bowers, and Meany.

Mr. White moved that the further consideration of the bill be postponed until day after to-morrow, at two o'clock p. m.

Mr. Abbott moved to amend by making the further consideration of the bill the special order on Tuesday, February 1, 1887.

So ordered.

## MOTIONS—(OUT OF ORDER).

By Mr. Jones: That the order heretofore made, by which Senate Bill No. 17 was ordered engrossed, be vacated.

So ordered.

Mr. Jones moved that the bill be referred to Mr. Walrath, as a committee of one, with instructions to amend as follows, and report the same back forthwith.

So ordered.

Amend Senate Bill No. 17, by inserting in section one, after the words "employ them," and before the words "is hereby," the words "approved March 30, 1878."

Mr. Wilson moved that Senate Bill No. 93 be recommitted to Mr. White, with instructions to incorporate in the bill the following amendment, and report the same back forthwith.

So ordered.

Amend Senate Bill No. 93 as follows:

SECTION 3. The terms "Common Council" and "Board of Supervisors" are hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city, county, or city and county.

SEC. 4. This Act shall be in force from and after its passage.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Clunie: Senate Bill No. 215—An Act to prevent and punish fraud in regard to the kind of labor employed in the manufacture of cigars, boots and shoes, clothing, and other goods, and in the raising,

handling, packing, and preserving of agricultural and animal products, and in other industries.

Referred to Committee on Labor and Capital.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 29—An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public.

Read second time, and the amendments of the committee, as follows, adopted: Insert after the word "follows," on line eight, page one, of the bill, the following: "For each of the Counties of Alameda, Los Angeles, Santa Clara, Sacramento, San Joaquin, and the City and County of San Francisco, not to exceed fifty." And strike out from the word "follows," on line eight, page one, to and including the word "forty," on third line from bottom of page one.

Also, insert at beginning of line two from the bottom of page one, before the word "for," the following: "For each of the Counties of Sonoma, Nevada, Fresno, and Tulare, not to exceed thirty-five."

Strike out from the word "of," at the end of line two from the bottom of page one, to and including the word "twenty-five," on line ten, page two, and insert the following: "Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Napa, Humboldt, Mendocino, Placer, Solano, Stanislaus, Tuolumne, Yolo, Yuba, Merced, Monterey, San Luis Obispo, Santa Barbara, Santa Cruz, and Kern, not to exceed twenty-five."

Adopted.

Also, strike out the word "of," at the end of line eleven, page two, to and including the word "twenty," at the end of line twenty, page two, and insert the following: "For each remaining county in the State, and for those which may be hereafter created, not to exceed twenty."

Adopted.

Amendment by Mr. Bowers: Insert the words "San Diego" and "San Bernardino," immediately following the words "San Francisco," and strike out the words "San Diego" and "San Bernardino" where they occur subsequently in line ten.

Adopted.

Amendment by Mr. Steele: On page two, after the word "exceed," in line twelve, strike out "twenty-five," and insert "forty."

Adopted.

The bill, as amended, was then ordered engrossed, and to a third reading.

Senate Bill No. 108—An Act to amend section one thousand three hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," as amended in 1878, relating to the order of persons entitled to administer.

Bill read second time, ordered engrossed, and to a third reading.

RESOLUTION—(OUT OF ORDER).

By Mr. McDonald:

*Resolved*, That the Committee on State Prison, and the clerk thereof, be and they are hereby allowed the mileage fixed by law for visiting and inspecting the State Prison at San Quentin.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 23—An Act to provide for the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to special orders No. 26, series 1880, issued from General Headquarters.

Bill read second time, ordered engrossed, and to a third reading.

Senate Bill No. 41—An Act to encourage tree planting within the State of California.

On motion of Mr. Goucher, the bill was passed on file.

Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

On motion of Mr. Goucher, bill made the special order for Monday next, at three o'clock P. M.

REPORT OF SPECIAL COMMITTEES.

By Mr. White, on Senate Bill No. 93:

MR. PRESIDENT: Your special committee, appointed to report upon the proposed amendment to Senate Bill No. 93, begs leave to report in favor of amending the said Bill No. 93, so that sections three and four shall be as follows:

SEC. 3. The terms Common Council and Board of Supervisors are hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city, county, or city and county.

SEC. 4. This Act shall be in force from and after its passage.

WHITE.

Amendment adopted, and bill, as amended, ordered reëngrossed, and to a third reading.

By Mr. Walrath, on Senate Bill No. 17:

Your special committee on said bill begs leave to report the same back, with the following amendment: Insert, in section one of the Act, after the words "employ them," and before the words "is hereby," the words "approved March 30, 1878."

WALRATH.

Amendment adopted, and bill, as amended, ordered reëngrossed, and to a third reading.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Clunie: Senate Bill No. 216—An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof.

Referred to Committee on Judiciary.

## REPORT—(OUT OF ORDER).

By Mr. Gesford:

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 197 have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GESFORD, Chairman.

At the request of Mr. Gesford, the members of the Committee on Education were granted leave of absence for the balance of the week.

## SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 160—An Act to amend section nine of an Act entitled "An Act for the promotion of the viticultural industries of the State in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof.

Bill amended as follows: Insert after the word "State," in title of bill, the following words: "Approved April 15, 1880."

Also, insert on page three, after the word "Range," where it first occurs, "no greater number than three such stations shall be established in the State."

Also, strike out words "tracts of," in lines six and seven, page three.

Senate Bill No. 160—Read second time, ordered engrossed, and to third reading.

Senate Bill No. 26—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Amended, by adding, at end of section one, a new subdivision, as follows: "Thirteenth—Pianos and organs."

Bill read second time, ordered engrossed, and to third reading.

## MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Hinshaw:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to furnish the Senate with a full and complete list of all officers and attachés, their names and per diem, on the payroll, in his office, payable out of the Contingent Fund of the Senate.

Mr. Hinshaw moved the adoption of the resolution.

Mr. Boggs moved, as an amendment, that the resolution be referred to Committee on Attachés, Contingent Expenses, and Mileage.

So ordered.

Mr. Clunie moved that Senate Bill No. 156, erroneously referred, be recalled and referred to the Committee on Commerce and Navigation.

So ordered.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Gesford: Senate Bill No. 217—An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide for its organization, and for maintaining the same.

Referred to Committee on Education.



## FIRST READING OF BILLS.

Senate Bill No. 60—An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

Read first time, and ordered on file for second reading.

Senate Bill No. 22—An Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Read first time, and ordered on file for second reading.

Senate Bill No. 28—An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California.

Read first time, and ordered on file for second reading.

Senate Bill No. 102—An Act to amend sections number one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees.

Read first time, and ordered on file for second reading.

Senate Bill No. 49—An Act to provide for the permanent support of the University of California by the levy of a rate of taxation, and the creation of a fund therefor.

Read first time, and ordered on file for second reading.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Langford: Senate Bill No. 218—An Act making appropriation for deficiency in the appropriation for salary of the Secretary of the State Engineer, for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Referred to Committee on Claims.

By Mr. Caminetti: Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine.

Referred to Committee on Viniculture and Viticulture.

## REPORT—(OUT OF ORDER).

By Mr. Caminetti:

SENATE CHAMBER, SACRAMENTO, JANUARY 26, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 123—An Act providing for the payment of the expenses of witnesses in criminal cases amounting to felony—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

CAMINETTI, Chairman.

## RESOLUTION—(OUT OF ORDER).

By Mr. Clunie:

*Resolved*, That the Committee on Labor and Capital be requested to report immediately to the Senate the bills introduced by Senator Clunie, and referred to Committee on Labor and Capital.

Adopted.

Mr. Dray took the floor in opposition to the adoption of the resolution.

Mr. Clunie raised the point of order that the resolution having been adopted, it was not before the Senate.

The Chair ruled the point of order well taken.

#### ADJOURNMENT.

Thereupon, at four o'clock and ten minutes P. M., on motion of Mr. Jones, the Senate adjourned.

### IN SENATE.

SENATE CHAMBER,

Thursday, January 27, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Pending reading of the Journal of yesterday, Mr. Bowers moved that the further reading of the same be dispensed with.

Lost.

Reading of Journal resumed, and being concluded, the Journal was amended and approved.

#### PETITIONS.

By Mr. White: From B. M. Lelong and E. Kimball, asking for the creation of an additional office of Inspector of Fruit Pests.

Referred to Committee on Viniculture and Viticulture.

#### REPORTS OF STANDING COMMITTEES.

##### ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO January 27, 1887.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture, to whom was referred Senate Bill No. 219—"An Act to prevent the sophistication and adulteration of wine"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Acting Chairman.

##### ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 30—Entitled "An Act making an appropriation for the support and maintenance of the State Mining Bureau for the thirty-ninth and fortieth fiscal years"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended; said amendment being as follows: strike out of lines nine and ten the words "one hundred and twenty-five," and substitute therefor the word "sixty."

GOUCHER, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 29—An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to Notaries Public.

Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Senate Bill No. 23—An Act entitled "An Act to provide for Colonel W. B. Burtis."

Senate Bill No. 17—An Act to amend section seven of an Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employed them, approved March 30, 1878.

Senate Bill No. 26—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Senate Bill No. 160—An Act to amend section ninety of an Act entitled "An Act for the promotion of the viticultural industries of the State," in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof.

Senate Bill No. 108—An Act to amend section one hundred and thirty-six of an Act entitled "An Act to establish a Code of Civil Procedure," as amended in 1878, relating to the order of persons entitled to administer.

SPELLACY, Chairman.

## ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings, to whom was referred Senate Bill No. 70—An Act to establish an asylum for insane criminals of the State of California—have had the same under consideration, and respectfully report it back, and recommend that it do pass, as amended.

JONES, Chairman.

## ON LABOR AND CAPITAL—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 35—An Act entitled "An Act to regulate the employment of gripmen, conductors, and drivers on street railways, to provide for granting license to competent persons, and to provide further safeguards to life and property in the matter of operating such railways"—have had the same under consideration, and respectfully report the same back, without recommendation.

BOGGS, Chairman.

## ON LABOR AND CAPITAL—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 35—Entitled "An Act to regulate the employment of gripmen, conductors, and drivers on street railways, to provide for granting licenses to competent persons, and to provide further safeguards to life and property in the matter of operating such railways"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

J. R. SPELLACY.

## ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 159—An Act to protect the manufacturing industries of this State—have had the same under consideration, and respectfully report it back, and recommend that the substitute do pass.

BOGGS, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed:

Assembly Bill No. 5—An Act to amend sections one thousand four hundred and sixty-nine, one thousand four hundred and ninety, and one thousand five hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to settlement of the estates of deceased persons.

Assembly Bill No. 36—An Act to amend section eight hundred and ninety-two of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relative to the time for entering judgment in Justices' Courts.

Assembly Bill No. 37—An Act to amend section one hundred and sixty of an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses.

Assembly Bill No. 49—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to chattel mortgages.

Assembly Bill No. 31—An Act to add a clause to section one thousand three hundred of the Code of Civil Procedure, relative to wills executed by married women.

Assembly Bill No. 47—An Act to amend section one thousand two hundred and forty-one of the Civil Code of the State of California, as amended April 6, 1880, relating to the subjection of homesteads to execution.

Assembly Bill No. 54—An Act to amend section one thousand one hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the taking of acknowledgments.

Assembly Bill No. 125—An Act to amend sections fifty-five and sixty-eight of the Civil Code, and to repeal sections fifty-seven, seventy-five, and seventy-seven of said Code, relating to marriage.

Assembly Bill No. 79—An Act to appropriate money to pay the claim of William Gutenberger, for mechanics' tools and property destroyed at the Branch State Prison at Folsom.

Assembly Bill No. 54—An Act entitled an Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Assembly Bills Nos. 5, 36, 37, 49, and Substitute for 31, 47, 51, and 125, were referred to Committee on Judiciary.

Assembly Bill No. 79, referred to Committee on Claims.

Assembly Bill No. 54, referred to Committee on Military Affairs.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred, as follows:

By Mr. Sargent: Senate Bill No. 220—An Act to appropriate moneys to aid in erecting a monument to Commodore John D. Sloat, and to prescribe the duties of the Controller in relation thereto.

Referred to a special committee of Messrs. Moffitt, Jones, and Wilson.

By Mr. Steele (by request): Senate Bill No. 221—A constitutional amendment, to propose to the people of the State of California an amendment to the Constitution of the State, relative to the election of Senators and members of the Assembly.

Referred to Committee on Constitutional Amendments.

By Mr. Moffitt: Senate Bill No. 222—An Act to confine the power to impose license taxes in incorporated cities and towns, other than consolidated cities and counties, to the corporate authorities of such cities and towns.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Chandler: Senate Bill No. 223: An Act entitled an Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by amending section one thousand two hundred and eighteen thereof, relating to and concerning contempt of Court, and the punishment thereof.

Referred to Committee on Judiciary.



By Mr. Hinshaw: Senate Bill No. 224—An Act to amend section one hundred and sixty-eight of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 18, 1885, relating to salaries of officers in counties of the sixth class.

Referred to Committee on Counties, County Government, and Township Organization.

### THIRD READING OF BILLS.

Senate Bill No. 17—An Act to amend section seven of an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employed them," approved March 30, 1878, by making applicable thereto section one thousand one hundred and ninety-five of the Code of Civil Procedure.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Crandall, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Patterson, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—30.

NOES—None.

Title read and approved.

Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Patterson, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.

NOES—None.

Title read and approved.

Senate Bill No. 29—An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 108—An Act to amend section one thousand three hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," as amended in 1878, relating to the order of persons entitled to administer.

Mr. White moved to recommit the bill to the Judiciary Committee.

Mr. Clunie moved, as an amendment, that the bill be recommitted to Judiciary Committee, with special instructions, as follows: insert the words "the Public Administrator" before the words "the credit-

ors," so that the Public Administrator shall have precedence over creditors to the administration of estates.

Mr. White accepted Mr. Clunie's amendment.

Pending consideration of which, the hour of recess having arrived the President declared a recess.

#### REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, Wright, and Yell.

Quorum present.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. McCudden (by leave): Senate Bill No. 225—An Act to appropriate money for the relief of J. C. Doherty.

Read by title, and referred to Committee on Claims.

Consideration of Senate Bill No. 108, pending at the hour of recess, was resumed; the question being on the motion of Mr. White to recommit the bill to the Judiciary Committee, with special instructions; Mr. White having the floor.

The roll was ordered called by the President, and the Senate refused to recommit by the following vote:

AYES—Messrs. Byrnes, Clunie, Goucher, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sullivan, and White—14.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Haynes, Hinshaw, Jones, Patterson, Sargent, Steele, Vrooman, Walrath, Wilson, and Yell—20.

On the third reading and passage of the bill, the roll was called, and the bill was lost by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dixon, Haynes, Hinshaw, Jones, Patterson, Sargent, Steele, Vrooman, Walrath, Wilson, and Yell—19.

NOES—Messrs. Byrnes, Clunie, Dray, Goucher, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sullivan, and White—16.

#### MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Haynes, Assembly message was taken up, as follows:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Joint Resolution No. 7—Relative to the matter of securing an appropriation for the purpose of improving Humboldt Bar.

FRANK D. RYAN, Chief Clerk.  
F. J. BRANDON, Assistant Clerk.

On motion of Mr. Pinder, Assembly Joint Resolution No. 7—Relative to the matter of securing an appropriation for the purpose of

improving Humboldt Bar—was referred to the Committee on Federal Relations (above reported).

Mr. Goucher moved that the vote by which such reference was had be reconsidered.

So ordered.

Mr. Haynes then moved that Joint Resolution No. 7 be adopted by the Senate, and forthwith transmitted to the Assembly.

So ordered.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Goucher: Senate Bill No. 226—An Act to provide for the erection of a monument in the State Cemetery over the grave of the late William Irwin, ex-Governor of California, and to appropriate money therefor.

Referred to Committee on Finance.

By Mr. Murphy: Senate Bill No. 227—An Act to regulate the practice of pharmacy and the sale of medicines and poisons, to provide for the inspection of drugs and medicines, and to prevent and punish the adulteration of the same.

Referred to Committee on Hospitals.

By Mr. McDonald: Senate Bill No. 228—An Act to amend section six hundred and thirty-five of the Penal Code, relating to violations of the law for the preservation of fish.

Referred to Committee on Fish and Game.

By Mr. Crandall: Senate Bill No. 229—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and to add certain sections thereto and repeal certain sections therefor.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Lenahan: Senate Bill No. 230—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relating to revenue and taxation.

Referred to Committee on Judiciary.

#### REPORTS—(OUT OF ORDER).

By Mr. Murphy:

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the matter of the mileage of the Committee on State Prisons for visiting San Quentin—having had the same under consideration, report the following resolution, and recommend its adoption:

*Resolved*, That the members of the Committee on State Prisons, and the clerk thereof, be and they are hereby allowed mileage for visiting San Quentin Prison, a distance of one hundred and ninety-eight miles, and the Controller is directed to draw his warrant on the Mileage Fund of the Senate in favor of Senators Jones, Murphy, Briceland, Moffitt, Langford, Wilson, Abbott, Lenahan, Yell, and Clerk Dietzler, for nineteen dollars and eighty cents each.

MURPHY, Chairman.

Adopted.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Hinshaw: Senate Bill No. 231—An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to apportionment of school moneys.

Referred to Committee on Education.

## THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 23—An Act to provide for the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to special orders No. 26, series 1880, issued from General Headquarters.

Passed on file.

The President announced that he had received the documents in the contested election case of Henry L. Gude vs. T. H. McDonald, for the office of State Senator from the Twenty-sixth Senatorial District.

Referred to Committee on Elections.

## REPORT—(OUT OF ORDER).

By Mr. McDonald:

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Public Printing, to whom was referred Senate Bill No. 116—An Act to add section five hundred and thirty-nine to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy—have had the same under consideration, and respectfully report the same back, with the following amendment: insert, after the title of the bill, the enacting clause, as follows, to wit:

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*  
And recommend the same do pass, as amended.

MCDONALD, Chairman.

On motion of Mr. Clunie, Senate Bill No. 213—An Act to amend sections two thousand four hundred and thirty-three, two thousand four hundred and thirty-six, two thousand four hundred and forty, and two thousand four hundred and forty-three, of Article V, of the Political Code, relating to pilots and Pilot Commissioners, and two thousand four hundred and fifty-seven, two thousand four hundred and sixty, two thousand four hundred and sixty-two, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, and two thousand four hundred and sixty-seven, of Article VI, of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia—was recalled from the Judiciary Committee, and referred to the Committee on Commerce and Navigation.

## REPORT—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Public Swamp and Overflowed Lands, to whom was referred Senate Bill No. 158—Entitled an Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878—have had the same under consideration, and respectfully report the same back, and recommend that the substitute hereunto attached do pass.

LANGFORD, Chairman.

Mr. White moved that Senate Bill No. 158, and substitute therefor, be referred to Committee on Irrigation and Water Rights.

Mr. Caminetti moved to amend, by adding, "with instructions to report the same back within one week."

Amendment accepted, and the motion, as amended, carried.



## RESOLUTION—(OUT OF ORDER).

By Mr. Yell:

*Resolved*, That the Committee on Commerce and Navigation be and they are hereby instructed to report back Senate Bill No. 213 by Tuesday next.

Lost.

On motion of Mr. Abbott, the Chairmen of the various committees were requested to meet together and determine upon some method in regard to future meetings of the committees, with the view of expediting the business of the session.

## MOTIONS, RESOLUTIONS, AND NOTICES—(OUT OF ORDER).

By Mr. Crandall, as follows:

*Resolved*, That the Sergeant-at-Arms of the Senate deliver to the Clerk of the Senate Judiciary Committee, at room forty-one, every day, eleven full copies of each Senate and Assembly Bill, for the use of such committee, as soon as the same are printed and ready for distribution.

Adopted.

On motion of Mr. White, Mr. Caminetti was added to the Committee on Judiciary.

Mr. Lenahan moved that the Committee on Chinese and Chinese Immigration be allowed to meet in San Francisco.

Upon the motion of Mr. Lenahan, a division vote of the Senate was had, and the motion was declared carried.

Mr. Caminetti gave the following notice:

I hereby give notice that I will, on to-morrow, move the adoption of the following rule. The Committee on Claims shall, when it reports on any bill submitted to it for consideration appropriating public moneys to pay a claim against the State, give the facts upon which the claim is based, the testimony taken before it, if any, and the reason why it should be allowed, if the report be in favor of the allowance of the claim.

A. CAMINETTI.

January 27, 1887.

## REPORT—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bills Nos. 32 and 14 have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMINETTI, Chairman.

Mr. McCarthy asked and obtained leave of absence until Monday next, for the Committee on Military Affairs, and its clerk.

Mr. Clunie asked leave to introduce a resolution.

Mr. Goucher objected.

## ADJOURNMENT.

Thereupon, at four o'clock and fifteen minutes P. M., on motion of Mr. White, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 28, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Lenahan, McDonald, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

## LEAVE OF ABSENCE.

At the request of Mr. Vrooman, the Committee on Public Buildings other than Prison Buildings was granted indefinite leave of absence.

Journal of yesterday read and approved.

On motion of Mr. Wilson, the vote by which the Journal of January twenty-fourth was approved, was reconsidered, and the Journal of said date, under the order of business, "First Reading of Bills," was amended by inserting immediately after the entry of Senate Bill No. 17, the following:

Senate Bill No. 10—An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting fishing boats and nets from execution.

Read first time, and ordered on file.

Also, amend, by inserting, after the entry of Senate Bill No. 92, the following:

Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties, in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Read first time, and ordered on file.

The Journal of January twenty-fourth, so amended, was then approved.

## RESOLUTION—(OUT OF ORDER).

By Mr. Moffitt, as follows:

*Resolved*, That the Committee on City, City and County, and Town Governments, and its clerk, are hereby allowed to visit the City of Oakland on Saturday, January twenty-ninth, for the purpose of looking into and inspecting the questions arising out of Senate Bill No. 2.

Adopted.

## PETITION.

By Mr. Goucher: From members of the Fresno County bar, for another Superior Judge in said county.  
Referred to Committee on Judiciary.

## REPORTS OF STANDING COMMITTEES.

## ON JUDICIARY—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 28, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 78—Entitled "An Act to amend section one hundred and seventy (170) of the Code of Civil Procedure, relating to disqualifications of Judges"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 173—Entitled "An Act to add a new section to the Code of Civil Procedure, to be known as section seven hundred and twenty-nine, relating to the sale of mortgaged premises by a Commissioner"—and recommend that it do pass.

Also, Senate Bill No. 121—Entitled "An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury"—and recommend that it do pass, as amended.

Also, Senate Bill No. 25—Entitled "An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, relating to the removal of criminal actions before trial"—and recommend that it do pass, as amended.

Also, Senate Bill No. 132—Entitled "An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure, relating to the issuance of subpoenas"—and recommend that it do pass, as amended.

Also, Senate Bill No. 106—Entitled "An Act to amend section six hundred and fifty-four of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary"—and recommend that it do pass.

Also, Senate Bill No. 65—Entitled "An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven of the same Code, authorizing and regulating actions against the State of California"—and recommend that it do pass, as amended.

Also, Senate Bill No. 40—Entitled "An Act to provide an appeal to the Supreme Court in habeas corpus cases, and to add a new section to the Penal Code"—and recommend that it do pass.

Also, Senate Bill No. 216—Entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating of public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof"—and recommend that it do pass.

Also, Senate Bill No. 33—Entitled "An Act to amend section three hundred and sixty of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to the acquisition and holding of real property by corporations, and the distribution thereof to stockholders"—and beg to report, that since the reference of said bill to this committee by the honorable Senate, owing to the multitude of business transacted by this committee and the number of persons appearing before it, and the limited time allowed for its consideration, your committee have not had time, or any opportunity sufficient to form and arrive at an opinion as to the constitutionality of said bill; and, therefore, without reporting any opinion as to the constitutionality, report the same back to your honorable body.

Also, Senate Bill No. 62—Entitled "An Act to amend section three thousand four hundred and sixty-eight of the Civil Code"—and recommend that it do pass, as amended.

Also, Senate Bill No. 56—Entitled "An Act to amend and supplement an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, of Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents"—and recommend that it do pass, as amended.

Also, Senate Bill No. 69—Entitled "An Act to create and maintain a relief and pension fund in the police department of all cities in the State having a police force of ten or more members, and to provide for the administration of such fund"—and recommend that it do pass, as amended.

Also, Senate Bill No. 57—Entitled "An Act to amend sections four hundred and nine-

teen and four hundred and twenty of the Civil Code of the State of California, all of said sections relating to insurance" without recommendation.

Also, Senate Bill No. 58—Entitled "An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine and six hundred and thirty of the Political Code of this State, all of said sections relating to insurance" and recommend that it do pass, as amended.

CLUNIE, Chairman.

#### ON JUDICIARY. MINORITY REPORT ON SENATE BILL NUMBER SIXTY-TWO.

MR. PRESIDENT: The minority of the Judiciary Committee, to whom was referred Senate Bill No. 62—Entitled "An Act to amend section three thousand four hundred and sixty-eight of the Civil Code," respectfully report that, in his opinion, the bill should pass without the amendments proposed thereto by the majority of said Judiciary Committee. The objection to the amendments proposed is, that they tend to prevent the assignment for the benefit of creditors, under the law, from being effective. Under the provisions of the bill, the title to the property covered by the assignment does not vest in the assignee until the inventory and affidavit have been made and filed, as required by law. This is well enough, but the proposed amendment makes the validity of the assignment to depend upon the making and filing of an approved bond within thirty days. If the bond is not made and filed within thirty days, or if the bond is not approved in the manner required, then, in either event, the assignment is void. In short, it makes the assignment to depend upon technical grounds. In no state is the giving of a proper bond by the assignee made a prerequisite to the validity of the assignment and the amendments make a new departure in such matters. For these reasons, I think the bill should pass as it stands, and not as amended by the committee.

A. W. CRANDALL.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 27, 1887. }

*To the Senate and Assembly of the State of California:*

I have the honor to transmit to the Legislature of the State of California the accompanying joint resolutions adopted by the Legislature of the State of Nevada, concerning the matter of depositing sawdust in the Truckee River, by citizens and residents of California, as per request contained in said resolutions. As but one copy of the resolutions has been received by me, I respectfully ask that the Assembly be notified of the receipt of this message and accompanying resolutions.

WASHINGTON BARTLETT, Governor.

On motion of Mr. Chandler, the document cited in the Governor's message was ordered transmitted to the Assembly, and a copy thereof retained by the Senate, and referred to the Committee on Fish and Game.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Goucher: Senate Bill No. 232—An Act to provide one additional Judge of the Superior Court of the County of Fresno, State of California.

Referred to Committee on Judiciary.

Also, Senate Bill No. 233—An Act to provide for compensating certain parties for improvements within the limits of the Grant of the Yosemite Valley and Mariposa Big Tree Grove, and to appropriate money therefor.

Referred to Committee on Yosemite Valley and Mariposa Grove of Big Trees and Forestry.

Also, Senate Bill No. 234—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.



Referred to the Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 235—An Act relative to foreign insurance companies, and duties of the Insurance Commissioner.

Referred to Committee on Corporations.

By Mr. Byrnes: Senate Bill No. 236—An Act entitled "An Act to amend an Act to form agricultural districts, to provide for the organization of agricultural associations, and for the management and control of the same by the State," approved April 15, 1880.

Referred to Committee on Agriculture.

By Mr. Caminetti: Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code, approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller and Trustees of school districts as to apportionment of moneys, the enrollment of pupils in the Grammar School course, and to provide for the same; and to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, and one thousand six hundred and ninety-six of said Act, in relation to pupils enrolled in the Grammar School course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor.

Referred to Committee on Education.

Also, Senate Bill No. 238—An Act to amend section one thousand seven hundred and seventy-three of "An Act to establish a Political Code," approved March 12, 1872, in relation to the examination of applicants to teach in the public schools.

Referred to Committee on Education.

Also, Senate Bill No. 239—An Act to amend section one thousand seven hundred and seventy-one of "An Act to establish a Political Code," approved March 12, 1872, in relation to the powers of County Boards of Education.

Referred to Committee on Education.

Also, Senate Bill No. 240—An Act to authorize the State Treasurer to transfer the sum of three thousand three hundred and six dollars and seventy-two cents from the State Drainage Construction Fund to the General Fund, to reimburse the General Fund in that amount for moneys paid from it upon outstanding warrants against the State Drainage Construction Fund, under an Act of the Legislature approved March 10, 1885, entitled "An Act to appropriate money to pay indebtedness incurred under an Act entitled 'An Act to promote drainage,'" approved April 23, 1880.

Referred to Committee on Judiciary.

Also, Senate Bill No. 241—An Act to authorize the Controller to draw his warrant in favor of the Treasurer for the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents, and requiring the Treasurer, in the presence of the State Board of Examiners, to destroy receipts for that amount in his possession, given to various County Treasurers by W. A. January, late State Treasurer, for moneys left with him by them.

Referred to Committee on Judiciary.

By Mr. Sargent: Senate Bill No. 242—An Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872,

by adding a new section thereto, to be numbered section two hundred and sixty-eight, relative to the seduction of unmarried females under the age of twenty years.

Referred to Committee on Judiciary.

By Mr. Hinshaw: Senate Bill No. 243—An Act to provide for an improvement of the State Capitol, and for an appropriation to pay for the same.

Ordered on file.

By Mr. Clunie: Senate Bill No. 244—An Act to amend section three hundred and eighty-five of the Political Code of the State of California.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 245—An Act to amend sections one thousand one hundred and eighty-three, one thousand one hundred and eighty-four, one thousand one hundred and eighty-five, one thousand one hundred and eighty-six, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand one hundred and ninety, one thousand one hundred and ninety-one, one thousand one hundred and ninety-two, one thousand one hundred and ninety-three, one thousand one hundred and ninety-four, one thousand one hundred and ninety-five, one thousand one hundred and ninety-six, one thousand one hundred and ninety-seven, one thousand two hundred, one thousand two hundred and one, one thousand two hundred and two, and to repeal section one thousand two hundred and three of an Act of the Legislature of the State of California entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, all relating to liens of mechanics and others.

Referred to Committee on Judiciary.

By Mr. Murphy: Senate Bill No. 246—An Act for the relief of Wilson Dellella, for personal injuries sustained by him while in the employ and service of the State, together with accompanying documents.

Referred to Committee on Claims.

By Mr. Walrath (by request): Senate Bill No. 247—An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Board of Arbitration.

Referred to Committee on Labor and Capital.

By Mr. Caminetti: Senate Bill No. 248—An Act to amend section one hundred and ninety-eight of "An Act to establish a Code of Civil Procedure," approved March 21, 1872, in relation to the qualifications of jurors.

Referred to Committee on Judiciary.

By Mr. Sullivan: Senate Bill No. 249—An Act for the relief of Esther H. Dennis.

Referred to Committee on Claims.

REPORT—(OUT OF ORDER).

By Mr. Yell:

MR. PRESIDENT: Your Committee on Constitutional Amendments beg leave to report that they have had Senate Bill No. 168 under consideration, and report the same back, with a recommendation that it do pass.

YELL, Chairman.

## THIRD READING OF BILLS.

Senate Bill No. 23—An Act to provide for the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to Special Orders No. 26, series 1880, issued from General Headquarters.

Passed on file.

Senate Bill No. 160—An Act to amend section nine of an Act entitled "An Act for the promotion of the viticultural industries of the State, in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof."

Read third time, and passed by the following vote:

AYES—MESSRS. BOWERS, BRICELAND, BYRNES, CAMINETTI, CHANDLER, CLUNIE, CRANDALL, CRIMMINS, DIXON, DRAY, GOUCHER, HAYNES, HINSHAW, JONES, McDONALD, MOFLITT, MURPHY, PATTERSON, ROTH, SARGENT, SPELLACY, STEELE, VROOMAN, WALRATH, WHITE, WILSON, and YELL—27.

NOES—None.

Title read and approved.

Senate Bill No. 26—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Passed on file.

## SECOND READING OF BILLS.

Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

On motion of Mr. Dixon, it was ordered that the consideration of the above bill be made the special order for Tuesday next, immediately after the reading of the Journal.

Senate Bill No. 41—An Act to encourage tree planting within the State of California.

On motion of Mr. Goucher, it was ordered that the consideration of said Senate Bill No. 41 be made the special order for Monday next, at three o'clock and fifteen minutes P. M.

Senate Bill No. 60—An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

Bill read second time, ordered engrossed, and to a third reading.

Senate Bill No. 22—An Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Also, Senate Bill No. 28—An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California.

Also, Senate Bill No. 102—An Act to amend sections number one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees.

Were severally passed on file.

Senate Bill No. 49—An Act to provide for the permanent support

of the University of California, by the levy of a rate of taxation and the creation of a fund therefor.

On motion of Mr. Vrooman, section one of the bill was amended by striking out the word "covered," and inserting in lieu thereof the word "converted."

Mr. Goucher moved that the hour of recess be extended until after the consideration of Senate Bill No. 49 is disposed of, and the reception of the report of the Judiciary Committee on Assembly Bill No. 49.

So ordered.

Senate Bill No. 49 was read second time, ordered engrossed, and to a third reading.

Mr. Wilson moved that when the Senate adjourns to-day, it adjourns until Monday, the thirty-first instant, at two o'clock and thirty minutes P. M.

So ordered.

#### REPORTS—(OUT OF ORDER).

By Mr. Clunie:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 49—An Act to amend section two thousand nine hundred and fifty-five (2955) of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relative to chattel mortgages—beg leave to report the same back, with the recommendation that it do pass.

Also, your Committee on Judiciary, to whom was referred Senate Bill No. 124—Entitled "An Act to amend section one hundred and sixty of an Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Spellacy:

*Resolved*, That H. J. Wynne be and he is hereby substituted in place of James Wilson as Porter of committee rooms, said Wilson having failed to attend his duties since January 22, 1887, and said Wynne having performed the duties from the date mentioned.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Lenahan:

*Resolved*, That Hugh J. Lynch be and is hereby appointed Porter to the rooms of the Journal and Engrossing Clerks of the Senate, at a per diem of four dollars, the same to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Dray:

*Resolved*, That the Controller be and is hereby directed to draw his warrant in favor of the Pacific Electrical Works for the sum of two hundred dollars, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same. Said sum to be in full for services rendered pursuant to contract made under resolution of the Senate, passed January 12, 1887.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.



## NOTICE TO AMEND THE STANDING RULES OF THE SENATE.

By Mr. Caminetti, as follows:

*Resolved*, That the following rule be adopted and added to the Standing Rules of the Senate:

The Committee on Claims shall, when it reports on any bill submitted to it for consideration appropriating public moneys to pay a claim against the State, give the facts upon which the claim is based, the testimony taken before it, if any, and the reason why it should be allowed, if the report be in favor of the allowance of the claim.

Referred to Committee on Rules.

## ADJOURNMENT.

Thereupon, at one o'clock p. m., on motion of Mr. Caminetti, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 31, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of Friday, the twenty-eighth instant, read and approved.

## LEAVE OF ABSENCE.

At the request of Mr. Dixon, Mr. Hinshaw was granted one day's leave of absence.

Also, at the request of Mr. White, Mr. Clunie was granted one day's leave of absence, on account of sickness.

## SPECIAL ORDER.

Senate Concurrent Resolution No. 3—Relative to the withdrawal of Government timber lands from sale.

The question being upon the adoption of the resolution, pending consideration of the same, on motion of Mr. Rose, the further consideration of the resolution was made the special order for Wednesday next, immediately after the reading and approval of the Journal.

## SECOND SPECIAL ORDER.

Assembly Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

Read second time.

Mr. Yell moved to amend the bill as follows: Amend line two, section one, of printed bill, by striking out the words "and all assistants now employed, or hereafter to be employed by said Board."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Goucher, Abbott, and Meany, and the amendment was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Crimmins, Dray, Hall, Haynes, Jones, Langford, Lenahan, Moffitt, Roth, Sargent, Spellacy, Vrooman, Walrath, Wilson, and Yell—18.

NOES—Messrs. Bowers, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, McCudden, Meany, Patterson, Rose, Steele, and White—14.

Mr. Abbott moved to amend line three, section two, by striking out the words "thirty thousand," and inserting the words "fifteen thousand."

Pending consideration of the amendment, Mr. White moved to pass the further consideration of the bill and amendment until Wednesday next, immediately after the consideration of Senate Concurrent Resolution No. 3, made the special order for that day.

So ordered.

## THIRD SPECIAL ORDER.

Senate Bill No. 41—An Act to encourage tree planting within the State of California.

Read second time, and committee amendments considered.

Mr. Goucher moved to amend section one, so as to read as follows:

SECTION 1. Every twenty-second day of February hereafter shall be observed as Arbor Day, and shall be devoted to the planting of trees.

Adopted.

Mr. Boggs moved to strike out the word "award" wherever it occurs in the bill, and substitute, in lieu thereof, the word "reward."

So ordered.

Mr. Goucher offered, as a substitute to the committee's amendment to section two, the following: Amend section two, by striking out of line four the word "one," and substituting "ten" therefor, and by striking out the figures "\$1,000," in the same line, and substituting therefor the figures "\$10,000."

On the adoption of Mr. Goucher's substitute, the ayes and noes were demanded by Messrs. Caminetti, Jones, and Yell, and the same was lost by the following vote:

AYES—Messrs. Abbott, Boggs, Chandler, Crimmins, Dixon, Goucher, McCarthy, McCudden, Meany, Patterson, Rose, Sullivan, Walrath, White, and Wilson—15.

NOES—Messrs. Bowers, Briceland, Caminetti, Conklin, Crandall, Dray, Gesford, Hall, Haynes, Jones, Langford, Lenahan, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, and Yell—19.

Mr. Rose moved to amend section two, by striking out the figures "\$1,000," and inserting, in lieu thereof, the figures "\$2,500."

On the adoption of the amendment proposed by Mr. Rose, the ayes

and noes were demanded by Messrs. Yell, Briceland, and Bowers, and the amendment was lost by the following vote:

AYES—Messrs. Boggs, Chandler, Crandall, Dixon, Goucher, McCarthy, McCudden, McDonald, Patterson, Pinder, Rose, Spellacy, Sullivan, Walrath, White, and Wilson—16.

NOES—Messrs. Abbott, Bowers, Briceland, Caminetti, Conklin, Crimmins, Dray, Gesford, Haynes, Jones, Langford, Lenahan, Roth, Sargent, Steele, Vrooman, and Yell—17.

Mr. Goucher moved to amend by striking out, in section two, the figures "\$1,000," and insert in lieu thereof the figures "\$2,000."

The ayes and noes were demanded by Messrs. Caminetti, Yell, and Sargent, and the amendment was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Chandler, Crandall, Dixon, Dray, Goucher, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Patterson, Pinder, Rose, Spellacy, Sullivan, Walrath, White, and Wilson—20.

NOES—Messrs. Bowers, Caminetti, Conklin, Crimmins, Gesford, Haynes, Jones, Langford, Meany, Roth, Sargent, Steele, Vrooman, and Yell—14.

Mr. Goucher moved an amendment to section three, as follows: Amend section three by striking out of line nine thereof the words and figures "one thousand dollars (\$1,000)."

Adopted.

Mr. Crandall moved to amend section three, line four, by inserting, after the word "person," the words "or persons."

Adopted.

Also, in line five, same section, insert, after the word "reward," the words "or rewards."

Adopted.

Mr. White moved to amend section three, line three, by striking out the word "Auditor," and inserting in lieu thereof the word "Controller." Also, by making the same substitution wherever the word "Auditor" occurs in this section.

Adopted.

Bill as amended ordered engrossed and to a third reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. McDonald:

*Resolved*, That the State Printer be and he hereby is directed to reprint such bills as the Sergeant-at-Arms may report to be deficient; and it is further

*Resolved*, That the number of bills heretofore ordered to be printed daily be and the same is hereby increased to four hundred and eighty copies.

Adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Dray: Senate Bill No. 250—To amend section three hundred and seventy-four of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the place where taxes may be paid.

Read by title, and referred to Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 251—An Act to encourage immigration, and to authorize the appropriation of money therefor.

Read by title, and referred to Committee on Counties, County Government, and Township Organization.

## REPORT—(OUT OF ORDER).

By Mr. Dixon:

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 49—An Act to provide for the permanent support of the University of California, by the levy of a rate of taxation and the creation of a fund therefor.

Senate Bill No. 60—An Act making additional appropriations for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

DIXON, Chairman.

Mr. White moved to take up Assembly message.  
So ordered.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Assembly Bill No. 88—An Act to amend section one thousand one hundred and twenty-seven of the Political Code of the State of California, relating to the establishing of election precincts.

Assembly Bill No. 162—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor.

Assembly Bill No. 195—An Act to provide two additional Judges of the Superior Court of the County of Los Angeles, State of California.

Assembly Bill No. 152—An Act to add another section to Penal Code, to be numbered two hundred and sixty-eight, relating to crimes and punishment.

Assembly Bill No. 138—An Act to amend sections six and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, so as to create one additional district.

FRANK D. RYAN, Chief Clerk.  
By ED. J. SMITH, Assistant Clerk.

Assembly Bills Nos. 88, 162, 195, and 152 were severally referred to the Judiciary Committee.

Assembly Bill No. 138 was referred to the Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES.

By Mr. Langford:

## ON RULES.

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Rules beg leave to report that the amendment to the rules, offered by Mr. Caminetti, hereto attached, has been duly considered, and recommend its adoption:

*Resolved*, That the following rule be adopted, and added to the Standing Rules of the Senate:

The Committee on Claims shall, when it reports on any bill submitted to it for consideration appropriating public moneys to pay a claim against the State, give the facts upon which the claim is based, the testimony taken before it, if any, and the reason why it should be allowed, if the report be in favor of the allowance of the claim.

B. F. LANGFORD.  
A. F. JONES.  
HENRY VROOMAN.

Referred to Committee on Rules.

On the adoption of the proposed amendment to the rules, above reported, the ayes and noes were demanded by Messrs. Rose, White, and Caminetti, and the amendment was lost by the following vote:



AYES—Messrs. Bowers, Chandler, Conklin, Crandall, Dixon, Gesford, Haynes, Jones, Langford, McCudden, Moffitt, Rose, Steele, Vrooman, Walrath, White, Wilson, and Yell—18.

NOES—Messrs. Abbott, Briceland, Caminetti, Dray, Goucher, Hall, Lenahan, McCarthy, Meany, Patterson, Pinder, Roth, Sargent, Spellacy, and Sullivan—15.

Mr. Caminetti changed his vote from aye to no, and gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused to adopt the amendment to the rules, above proposed.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

By Mr. McCudden:

##### ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Public Buildings would most respectfully report that on Friday, January twenty-eighth, they visited the State Insane Asylum at Stockton, and on Saturday they visited the Hospital for the Chronic Insane now in course of erection at Agnews, Santa Clara County; also, the Home for the Care and Training of Feeble-Minded Children, situated in the town of Santa Clara, and the State Normal School at San José. On Sunday the Branch Insane Asylum at Napa was visited and the day spent in inspecting the buildings and grounds. The members of the committee are entitled to mileage for the following distances traveled: Senator Langford, from Sacramento to Stockton and return, ninety-four miles; Senators McCudden, Meany, Abbott, McCarthy, and Pinder, and Clerk Ryan, from Sacramento to Stockton, forty-seven miles; from Stockton to San José, one hundred and sixty-two miles; from San José to Agnews and return, twelve miles; from San José to Napa, ninety-six miles; from Napa to Sacramento, seventy-eight miles; a total of three hundred and ninety-five miles.

McCUDDEN, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Meany:

##### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Claims beg leave to report that in the discharge of their duties, and for the purpose of taking testimony in relation to Senate Bill No. 79—"An Act for the relief of George Nightingale, et al.," they visited San Francisco on Tuesday, January 25, 1887. That they employed a shorthand reporter to take said testimony, whose bill therefor is hereto annexed, and amounts to eighty-seven dollars and twenty cents. That they also employed H. R. McCausland to act as Sergeant-at-Arms for said committee, in which capacity he served four days, and for which he is entitled to the sum of twenty-four dollars. The members of the committee are entitled to mileage for the following distances traveled, viz.: Senators Meany, McCarthy, McDonald, Lenahan, McCudden, and Dray, and Clerk McCarthy, each from Sacramento to San Francisco and return, one hundred and sixty-eight (168) miles.

MEANY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Briceland:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of J. M. Briceland, for mileage account of Senate Committee on Hospitals for the sum of one hundred and eighteen dollars and eighty cents, as per statement: Senators Meany, McCarthy, Crandall, Patterson, and Briceland, and for the clerk of the committee each from Sacramento to San Francisco and return, one hundred and sixty-eight miles, sixteen dollars and eighty cents each; from San Francisco to the San Francisco Roman Catholic Orphan Asylum, St. Joseph's Infant Orphan Asylum, San Francisco Protestant Orphan Asylum, Pacific Hebrew Orphan Asylum, and the Ladies' Protective and Relief Society, twenty miles, two dollars each; and Senators Crandall and Briceland, and clerk of committee, Oakland to Berkeley and return, twenty miles, two dollars each.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Dixon: Senate Bill No. 252—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 18, 1885, relating to the salaries of officers in counties of the second class.

Referred to Committee on County and Township Governments.

By Mr. Abbott: Senate Bill No. 253—An Act to amend section five hundred and twenty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the printing of the laws of the State of California.

Referred to Committee on Public Printing.

By Mr. Crandall: Senate Bill No. 254—Constitutional Amendment—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department. The Legislature of the State of California, two thirds of all members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections one, two, three, four, and twelve, of Article VI of the Constitution of the State of California, be respectively amended so as to read as follows.

Referred to Committee on Judiciary.

By Mr. White: Senate Bill No. 255—An Act to amend section one thousand four hundred and twenty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, regarding repleves, commutations, and pardons, and to more effectively regulate the procedure relating thereto.

Referred to Committee on Judiciary.

By Mr. McCudden: Senate Bill No. 256—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Moffitt: Senate Bill No. 257—An Act to prevent policemen from interfering in politics in all cities and towns in this State having a police force of more than ten and less than two hundred members, and to prevent the removal from office of police officers or officers of police, for political or partisan causes, reasons, or purposes.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Jones: Senate Bill No. 258—An Act to add a new section, to be numbered four hundred and twenty-five, and to amend section four hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Referred to Committee on Judiciary.

Also, Senate Bill No. 259—An Act to amend section one thousand four hundred and thirty-one of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to change of place of trial in Justices' Courts.

Referred to Committee on Judiciary.

By Mr. Langford (by request): Senate Bill No. 260—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, and three thousand four hundred and fifty-four of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation in reclamation districts of this State.

Referred to Committee on Public, Swamp and Overflowed Lands.

By Mr. Meany: Senate Bill No. 261—An Act to add a new chapter to the Civil Code of the State of California, to be known as Chapter VIII, of Title XIV, of Part IV, of Division III, and new sections to said Code, to be known as sections three thousand and eighty-one and three thousand and eighty-two, relating to the duties and liabilities of persons carrying on business as pawnbrokers or pledgees.

Referred to Committee on Judiciary.

By Mr. Yell: Senate Bill No. 262—An Act to amend section one hundred and sixty-three of an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, relating to the compensations and salaries of county and township officers in counties of the sixteenth class.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Caminetti: Senate Bill No. 263—An Act to appropriate moneys to aid in erecting a monument to James W. Marshall, and to prescribe the duties of the Controller and State Board of Examiners in relation thereto.

Referred to Select Committee on Sloat Monument.

Also, Senate Bill No. 264—An Act to add a new section to an Act to establish a Political Code, approved March 12, 1872, to be numbered section one thousand six hundred and sixty-nine, in relation to the manner in which studies shall be taught in the grammar course and grammar grade, and prescribing the duties of teachers, principals, and County Superintendents in relation thereto.

Referred to Committee on Education.

Also (by request), Senate Bill No. 265—An Act to amend an Act entitled an Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof, approved March 18, 1885, in relation to the salary of officers.

Referred to Committee on Finance.

By Mr. Goucher (by request): Senate Bill No. 266—An Act to amend sections two thousand two hundred and ten, two thousand two hundred and eleven, two thousand two hundred and twelve, and two thousand two hundred and thirteen of the Political Code.

Referred to Committee on Judiciary.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Jones:

WHEREAS, The Inaugural Committees of the Senate and Assembly are in receipt of several bills appertaining to the inaugural ceremonies of Governor Washington Bartlett: therefore, be it

*Resolved by the Senate, the Assembly concurring,* That a committee of three, composed of Senators Meany, Goucher, and Walrath, be appointed in the Senate to confer with a like committee from the House, to report upon the advisability of paying said bills.

Adopted.

Also:

*Resolved*, That G. W. Locke be and he is hereby allowed four days' pay as Porter of Senate Chamber, services rendered during temporary organization, at a per diem of four dollars, payable out of the Senate Contingent Fund.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Meany:

*Resolved*, That the Chairman of the Committee on Claims be empowered to employ a shorthand reporter, and have all testimony transcribed at all the meetings of said committee, to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### MOTION.

Mr. White moved that the Committee on Claims be empowered to employ a stenographer in the consideration of the matter of the Telegraph Hill claims.

So ordered.

#### RESOLUTIONS.

By Mr. Goucher (by request):

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of E. J. Moditt, for mileage account of Senate Committee on City, City and County, and Town Governments, for the sum of ninety-one dollars, as per statement herewith:

	Miles.	Amount
Senator Geo. G. Goucher—To Oakland and return .....	182	\$18 20
Senator S. M. White—To Oakland and return .....	182	18 20
Senator J. D. Byrnes—To Oakland and return .....	182	18 20
Senator F. J. Moffitt—To Oakland and return .....	182	18 20
Clerk L. E. Chartrand—To Oakland and return .....	182	18 20
Total .....	910	\$91 00

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Vrooman: Senate Concurrent Resolution No. 5—Relating to the employment of John Mullan to represent the State of California in the collection of certain moneys due from the United States to this State:

WHEREAS, On the third day of March, eighteen hundred and eighty-three, the Legislature of California passed Assembly Concurrent Resolution No. 20, directing the Governor to fix the compensation for services rendered by Captain John Mullan, which resolution recited that the Governor and State Surveyor-General of the State had theretofore respectively appointed Captain John Mullan, of San Francisco, California, Agent and Attorney to represent the interests of the State of California before the proper authorities of the United States at Washington, D. C., in the matter of the claim of this State to five per cent net proceeds of the sale of the public lands by the United States in this State, and also in certain other matters in said resolution named; and whereas, in fact the Governor of the State had never appointed said Captain John Mullan such Agent and Attorney, and neither the Governor or the Surveyor-General had any authority to make such appointment, and any ratification or confirmation of said void act would itself be void; and whereas, the sum due the State in the matter mentioned is much larger than was represented, amounting to more than one million dollars, and the compensation provided



for the contemplated services would be exorbitant and an outrageous waste of moneys devoted to the support of the public or common schools of this State, a fund of the most sacred character, that could never have been intended by the Legislature, had the full purport of the resolution been understood; and whereas, delay has arisen in the passage of the Act of Congress making such grant to the School Fund by reason of the inequitable and unjustifiable claim of said John Mullan, under said above named resolution, and the passage of said resolution is delaying and jeopardizing the rights of the State in securing so large a sum to be devoted to the education of the people of the State; now, therefore, be it

*Resolved by the Senate, the Assembly concurring,* That so much of said resolution as attempts to confirm the pretended appointment of Captain John Mullan as Agent and Attorney of the State, in the matter above named, be and the same is hereby rescinded, abrogated, and repealed, and the authority alleged or pretended to have been conferred upon the Governor to fix the compensation for his services at twenty per cent of such sum as might be obtained be hereby revoked, annulled, and declared of no effect whatever; and be it further

*Resolved,* That the people of the State of California pledge themselves, through their Legislature, to hold and administer every part of such sum as may be granted by the United States as sacredly devoted to the support of the public and common schools of the State, and especially to be guarded against all attempts of spoliation or fraudulent diminution.

Referred to Committee on Education.

#### ADJOURNMENT.

Thereupon, at five o'clock and thirty minutes P. M., on motion of Mr. Dray, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,

Tuesday, February 1, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

The President announced the reception of additional documents in the contest between J. W. Ryland and E. B. Conklin, in and for the Thirty-second Senatorial District, before the Senate of the State of California.

Referred to Committee on Elections.

#### FIRST SPECIAL ORDER—(SECOND READING).

Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Senator Hall in the chair.

Upon the question, "Shall the bill be read a second time?"

The ayes and noes were demanded by Messrs. Wilson, Vrooman, and Walrath, and the bill was ordered read a second time by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, and Sullivan—31.

NOES—Messrs. Abbott, Caminetti, Jones, Moffitt, Vrooman, Walrath, White, Wilson, and Yell—9.

Pending the consideration of the bill, Senators Moffitt and Jones each addressed the Senate upon a question of privilege, calling the attention of the Senate to a breach of privilege appearing in the Stockton Mail newspaper correspondence, from the State Capital, under date of January 25, 1887; said correspondence severely reflecting upon the President of the Senate.

Messrs. White, Wilson, and Boggs also addressed the Senate in deprecation of the newspaper article referred to.

Mr. Goucher also addressed the Senate, asserting and defending the right of a newspaper to criticise the capacity and acts of any public officer, so long as such newspaper does not impute corrupt motives or attack personal integrity; and also denounced the sending of the article mentioned to the wife of the President of the Senate.

Whereupon, Mr. Vrooman offered the following resolution, which was unanimously adopted:

*Resolved*, That Senators Moffitt, Murphy, and Abbott be and they are hereby appointed a Committee of Inquiry, relative to the article published in the Stockton Mail, concerning Lieutenant-Governor Waterman, to report back to the Senate the result of their investigation, and to make such recommendations as they shall deem proper.

Consideration of Senate Bill No. 20 resumed.

Bill ordered engrossed, and to a third reading.

#### PETITIONS AND MEMORIALS.

By Mr. Briceland: From the representatives of the banking houses of California; Judges of the Federal and State Courts; leading officials, attorneys, and literary men; educators and literary men of California; insurance companies, managers, and capitalists; leading merchants of California; Archbishop Riordan, Bishop Kip, and other eminent divines; merchants of San Francisco; Wm. T. Coleman, San Francisco; capitalists and real estate men; officers, Regents, and Professors of the State University; Professor George Davidson; memorial of the Governor and other officials of Idaho Territory; the Governor, Chief Justice, and other officials of Colorado; the Governor, prominent officials and others, of Utah; the Governor, Justice of Supreme Court, and United States Senator of the State of Nevada; the Chief Justice and other prominent officials of Montana; the Historical Society of Montana; the United States District Attorney of California—all asking for the purchase, by the State of California, of the Bancroft Historical Library. Accompanying said petitions, were the appraisement and certificate of value from the Librarians of the public libraries of California, and Professor George Davidson,

and owners of extensive private libraries in California, as to the value of said library.

Pending the reading of the same, the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

Senator Chandler, by request of the President pro tem., in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Hinshaw, Jones, Langford, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Reading of petitions introduced by Mr. Briceland, pending when the Senate took a recess, resumed.

Petitions referred to Committee on State Library.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on State Library have had under consideration Senate Bill No. 103—Entitled "An Act to enlarge the State Library by purchasing and adding thereto a library of history of the Pacific Coast, and to make an appropriation for said purchase"—and report the same back, with an amendment, and recommend unanimously the passage of said bill, as amended.

In support of such recommendation your committee state, that the said library has been appraised by the librarians of the public libraries in the State, by the owners of prominent private libraries, and by numerous well known men of pronounced learning and literary tastes, at the price named in the bills, all of whom have signed a certificate of its value, which is herewith presented to the Senate. Petitions have also been laid before the committee recommending that the State purchase the library, for good reasons, which petitions are signed by the representatives of the great banking houses of the State, by the principal capitalists of the State, by the great merchants of the State, representing, as your committee is credibly informed, more than five hundred millions of dollars of the capital of the State. Similar petitions were laid before your committee, signed by the most prominent educators, and men of learning in all the learned professions. Memorials signed by the principal officers of the States and Territories west of the Rocky Mountains, and by men eminent for their learning and ability outside of California, urging the State to make the purchase, have been laid before your committee.

All of these petitions and memorials recite, among others, the following reasons why the State should purchase this library:

I. It is the largest and most complete collection of California historical data in existence.

II. It is the largest and most complete collection of historical and judicial data relative to the western half of North America.

III. It is the largest and most complete collection of original historical data in existence concerning any State or nation in the world.

IV. It is offered at a fair price. Your committee believe that the State should own its own history. That this collection will increase in value as it becomes older. That whilst other and older States, by means of Commissioners and State officers, are seeking at great expense to collect authentic records of their early history, that it is, and ought to be, a matter of State pride for California to claim and own its own history. And that if this library be scattered or sent abroad for sale, as it must be if the State do not purchase it, it will be reasonably a matter of increasing and lasting regret to our people.

MURPHY, Chairman.

By Mr. Moffitt:

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 105—Entitled an Act to amend section three thousand seven hundred and two of the Act

entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Also, Senate Bill No. 40—Entitled "An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year."

Also, Senate Bill No. 163—Entitled "An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year."

Also, Senate Bill No. 207—Entitled "An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Your committee has also had under consideration Senate Bill No. 214—Entitled "An Act to amend section three hundred and forty-three of the Political Code," relating to the number and designation of the civil executive officers of the State—and recommend that the same be amended by striking out of lines four and five, on page one, the words, "who is ex officio Clerk of the Board of Examiners," and insert in their place the words, "a Secretary to the Board of Examiners," and that as so amended, the bill do pass.

Your committee has also had under consideration Senate Bill No. 190—Entitled "An Act appropriating the sum of forty thousand dollars to erect two buildings for the purpose of furnishing dormitories and dining-rooms for the male and the female adult blind inmates at the Home for the Adult Blind"—and herewith propose and recommend a substitute for said bill, which substitute is herewith submitted with this report, and further recommend that the substitute do pass.

Your committee has also had under consideration Senate Bill No. 191—Entitled "An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California"—and herewith propose and submit a substitute for said bill, and recommend that the substitute do pass.

Your committee has also had under consideration Senate Bill No. 192—Entitled "An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California"—and respectfully propose and submit a substitute therefor, and recommend that the substitute do pass.

Your committee further respectfully report that the Sergeant-at-Arms of this body has directed their attention to the fact that the fund for the contingent expenses of the Senate is nearly exhausted, and that a sum estimated at twenty-five thousand dollars should be appropriated for the purpose of meeting the accruing expenses of this body. Your committee has therefore prepared a bill entitled "An Act appropriating the sum of twenty-five thousand dollars to pay the contingent expenses of the Senate," which is hereby submitted with this report, with the recommendation that it do pass.

MOFFITT, Chairman.

Mr. Rose was recorded as present.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Moffitt: Senate Bill No. 267—An Act to appropriate money to pay the contingent expenses of the Senate for the twenty-seventh session of the Legislature.

Mr. Moffitt moved a suspension of the rules, that the bill be read a first time, ordered printed, and placed on file.

So ordered.

#### REPORTS OF STANDING COMMITTEES.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Herewith, your Committee on Education presents a report of their visit to the State University and the State Normal School at San José. In the discharge of their duty Senators Gessford, Conklin, Hall, Caminetti, and the clerk of the committee, traveled from Sacramento to Berkeley, thence to San José, and return, and are entitled to mileage for two hundred and eighty-two miles each.

Also:

MR. PRESIDENT: Your Committee on Education, to whom leave was granted to visit the State University, and the State Normal School at San José, submit the following:

Your committee visited the University at Berkeley, and met a cordial reception from



President Holden and the heads of the several departments. In the short time allotted to our examination, we visited the Departments of Agriculture, Mechanics, Mining, Civil Engineering, Chemistry, and the College of Letters. As a whole we are able to commend the general management of this State institution, and believe the various departments to be in charge of able and experienced Professors. The University is still in its infancy, and the great purposes of its organization are scarcely felt, yet it is preparing young men and young women in that technical and advanced education which will enable them to become leaders in the economic development of the great resources of the State.

We can especially commend the Agricultural and Viticultural Departments as of unusual merit, and which are destined to reach with their results into every part of the country. The experimental tests made, and the information disseminated by means of bulletins, compensate many fold for the endowment which this department receives.

We find many departments only partially equipped with apparatus, but the Regents have gone as far as the appropriations would permit.

The Museum and Chemical Laboratory are both crowded for room. The Botanical Garden is an important feature and might profitably be greatly extended. And the same might be said of the Observatory and Meteorological Department. The prominence of this State institution, and the plan upon which it has been organized, and the results to be expected therefrom, suggest that, financially, the University should be liberally endowed with a permanent annual income, and not rely solely upon the pleasure of State Legislatures in making appropriations.

#### STATE NORMAL SCHOOL.

Your committee visited the Normal School at San José. We found President Allen and a full corps of instructors busy training teachers for school-room work. Permission was given the committee to examine the school-room works. Also, the magnificent Normal School building, and the financial account for the past two years. We find this institution well managed, and heard no cause of complaint.

Herewith we append a short outline of Prof. Allen's report to your committee: "The total number of pupils in attendance is seven hundred and one. Of these, five hundred and forty-two are students of the Normal School proper; forty-five are in the Preparatory Department, and one hundred and fifteen are in the Training Department. All students applying for permission to attend the Normal are requested to sign a statement that they desire to fit themselves for teaching, and also bind themselves to teach school after leaving the institution. The Preparatory Department is of a more recent creation. There were many students, we found, who would come from a long distance, and when examined for admission would fail in one or perhaps two branches, or, it might be, would not be quite sixteen years of age. These are now received in the Preparatory Department, and, as the law directs, are charged a tuition fee of thirty dollars a year until they are admitted regularly into the Normal proper. The Training Department, consisting of three grades, is where the students of the Senior class are trained to teach. Each member of that class is required to teach five months during the year, and this is as much a part of the Normal course as that of studying and reciting lessons. And in granting diplomas, the record in the training school is equally as important as that of the class-room. In many cases it is more so; for every year we are compelled to deny diplomas to two or three members of the Senior class, whose scholastic averages are excellent, but who strand in the Training School. These often go out and teach one, two, or three years, then return and satisfy us of their ability to properly conduct a school, when the diploma is given. The five hundred and forty-two students are divided into fifteen classes, the number of each class varying from thirty to forty-seven, and in one class reaching as high as fifty-six. Once a week—usually on Saturday afternoon—all the classes are given special instructions in the art of teaching. Each year we are devoting more and more attention to this essential branch of the work."

Respectfully submitted.

GESFORD, Chairman.

On motion of Mr. Jones, the reading of the above report was dispensed with, and the report ordered printed in the Journal.

#### ON STATE PRISON AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January —, 1887.

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings herewith submit their report of their investigations made at the State Prison of the State of California, at San Quentin, January 22, 1887, as follows, to wit:

#### Section I.

We have taken the seventh annual report of the State Board of Prison Directors, and, with information obtained by our own investigation, compared the present condition of the prison and its management with the condition of affairs as shown to exist by the reports of the thirty-fifth and thirty-sixth fiscal years, and we find a result complimentary to the management and advantageous to the State of California, not only from a financial

standpoint. But in the general welfare of the prison and in the progress made in the conduct of a penological institution. A careful examination of the records of the Board of Directors will show that the members thereof have rarely been absent from the meetings of the Board, and the vast amount of labor transacted by them, acting, as they do, without compensation, is worthy of commendation.

We found the Warden, Clerk, Captain of the Yard, Guard, Commissary, Physician, and other officers, fully conversant with their duties, and able and willing to give to your committee full and intelligent information regarding the requirements of the prison, and to afford to us an opportunity to make a full and complete investigation.

#### *Section 2—Abolition of Remuneration to Convict Laborers.*

We commend the action of the Board of Directors in abolishing the system of remunerating prisoners for their labor at a per diem, and in place thereof substituting a system of rewarding meritorious labor only, by requisitions on the Commissary for certain comforts or materials, in addition to those usually allowed; and we recommend a distinct Act, or resolution, forbidding the payment by the officials of a per diem compensation to prisoners for labor; we further doubt the legal rights of the Board to allow such compensation.

#### *Section 3—Female Department.*

The addition of the female department, and its management under the supervision of a Matron, has proved efficient, admirably fitted for the purpose named and work to be accomplished.

#### *Section 4—Visitors, and Communication with Prisoners.*

The custom of allowing weekly visits to the prisoners, and free communication between visitors and their convict friends, thus affording an opportunity for smuggling contraband articles inside the prison walls, has been modified, and at present visits are allowed but one day during the month, and on Sunday, when care can be taken; and a large wire screen prevents the passage of articles obnoxious to prison discipline. This has resulted in diminishing the opium habit, prevalent among prisoners, and in a great measure prevent what gambling may have existed.

#### *Section 5—Departments of Manufacture Closed.*

We find that the various channels of industry at the prison have been, and are being, closed as rapidly as possible, with the exception of the jute and door departments. The harness, tannery, and brick departments, are operated only when required for prison purposes. The furniture department is in operation for the purpose only of using up the supply of material now on hand belonging to the State. The Board of Directors have so ordered. The material on hand referred to is valued approximately at ten thousand dollars. The machinery in this department is owned by the State, and the consequent result of closing the department will be a loss to the State, *i. e.*, diminished value of machinery, and annual earnings. The jute department and door department are in full operation, and are of such importance that they will be specially considered.

#### *Section 6—Door and Sash Department.*

The door and sash department has proved to be the most profitable industry in operation at the prison to the State, the net earnings for the thirty-seventh fiscal year being the sum of twenty-three thousand three hundred and ninety-one dollars and forty-eight cents. The building occupied by the department, in conjunction with the furniture department, cost the sum of two hundred thousand dollars; and the number of convicts detailed for labor in the department is one hundred and sixty. The machinery in use is owned by the California Door Company. From examination, and the clear and explicit explanations of Mr. Ranson, Superintendent of the department, the following facts have been ascertained, which are of value in the present consideration of the question of the conduct of prison labor with the interests of free labor, so far as the San Quentin Prison is concerned; this being the only department in the prison causing any discussion of moment on that subject. If it is decided to abolish the department, the California Door Company will undoubtedly remove its machinery elsewhere, and employment be given to about one hundred free laborers, *viz.*: boys, skilled mechanics, or Chinese, as the company may select; the amount of whose wages would be the sum of fifty thousand dollars per annum, the estimate being that one hundred free men will accomplish as much work as the one hundred and sixty convicts. The price of manufactured articles in this State would not be affected. Hence, the consequent advantage to the laboring classes would be the distribution of fifty thousand dollars per annum in wages. The loss to the State would be, annual earnings, twenty-three thousand three hundred and ninety-one dollars and forty-eight cents, and convicts to the number of one hundred and sixty thrown out of employment, unless other plans be adopted as herein suggested, relating to the jute department, and the sum of one hundred and sixty thousand dollars appropriated therefor. Also, the building, valued at two hundred thousand dollars, would be useless, unless converted into a reformatory, or used as a spinning and weaving department for jute manufactory; in either event a sum of not less than twenty-five thousand dollars would be required to remodel the building. It is

with great reluctance that your committee approaches this question, because we find ourselves confronted with two serious propositions: The first being a financial injury to the State of California, by cutting off a source of revenue, and rendering valuable property useless. The second being the declaration of principles opposed to convict labor as enumerated in the platforms of the great political parties of this State, upon which the present members of the Legislature were elected, and which are presumed to be the sentiments of the people of this State. Your committee is divided in opinion on this subject, the opinion of the majority being given in subdivision eight of this report.

*Section 7—Jute Department.*

Under efficient management during the thirty-seventh fiscal year this department shows a balance sheet in favor of the State, the net earnings being the sum of fourteen thousand and twenty-seven dollars and forty-three cents. It has been satisfactorily demonstrated that this department can be operated with financial success, and in the most unpropitious seasons under proper management the chance of loss will be small. It is proposed to double the capacity of the jute plant, for which an appropriation of the sum of one hundred and sixty thousand dollars will be required. This proposition, if consummated, would solve the problem of employment of prisoners in case the sash and door manufactory is closed. The employment of prison labor in the manufacture of jute goods at present is not, and probably for years to come, will not be, in conflict with free labor in this State, and in case the door department be abolished (which however your committee does not recommend) the capacity of the jute department should be doubled. It is vitally necessary to the health of the prisoners and maintenance of discipline, that the prisoners be employed. The increased capacity of this department would require, in business principles, an increase of the Jute Revolving Fund from seventy thousand dollars, as asked for, to one hundred thousand dollars, for reasons given by the Board of Directors and Warden Shirley in the report of the last fiscal year. Should the building now used as the door factory be changed and used as an addition to the jute department, the appropriation asked for would not be diminished, because it would require as great a fund to alter said buildings as would be required to build a suitable building for the new plant; the only material saving would be in time and space occupied.

*Section 8—Majority Opinion of the Committee on Abrogation of Sash and Door Department.*

The majority of your committee are in favor of maintaining the sash and door department as it now is, for the time being, and for the reason that arbitrary and sudden action in the matter would result in injury to one body of citizens, which would not be compensated by sufficient immediate benefits to any other body. In other words, the financial loss to the State, which must be met by additional taxation, would impose a general hardship, which the benefits to be derived from the distribution of a portion only of the sum of fifty thousand dollars per annum to free white labor would not justify in the present condition of affairs. The change can be made, however, gradually, harmoniously, and we trust that more light may be thrown on the subject, that such action may be taken, ways and means devised to accomplish the desired object, in due time, after the immediate and pressing necessities of the prison are considered, and in accord with the interests of all concerned. Seven of your committee agree in the above report; two, Messrs. Murphy and Lenahan, being unavoidably absent on other committee work, have not expressed an opinion.

*Section 9—Sewerage System.*

The sewerage system at the prison has been economically and systematically perfected, and the only suggestion we can make is that a means be devised to carry the refuse from the place it now has a tendency to deposit, to tide water.

*Section 10—New Hospital.*

The new hospital and its management need no comment. It is complete and answers every requirement.

*Section 11—Asylum for Insane Criminals.*

The appropriation asked for to establish a State Asylum for insane criminals is reasonable, and the object to be attained one that is much needed, and we believe will result in great benefit to the State, and the Asylums for the Insane at Stockton and Napa, by removing an offensive class from the Asylums, decreasing costs of transportation, and solving many vexed questions relating to insanity as a defense for crime. The old hospital, now in a decayed condition, can be repaired at a cost of two thousand dollars, and a third story added, which, with a three story ell and wing, will accommodate one hundred persons, at a cost of twenty thousand dollars. The management of this institution would be the same as that of the prison. The present accommodations for lunatics at the prison are inadequate, we may say shameful, though necessarily so.

*Section 12—Appropriations for Guard and Front Building.*

The buildings at the front of the prison should be removed and replaced by proper accommodations and a fitting structure. The quarters of the officers and the guards are but a mass of rotten structures, unfit for use, and liable to fall from their own weight.



A new building is absolutely required. The appropriations asked for these buildings are, respectively, nineteen thousand dollars, and twelve thousand dollars, being reasonable in amount. No delay should be made in this matter. The floor to the door building should be repaired. The cost will be two thousand dollars.

#### *Section 13—Buildings on State Land.*

The land of the State at San Quentin is in many places occupied by buildings erected by former employes of the prison. In many cases, the buildings are in poor condition. It is bad policy to allow these buildings to remain, as they are a source of annoyance to the Directors and officers, and the State land should be under the exclusive control of its officers. We recommend that the Directors enforce the removal of such of these buildings as cannot be purchased for the use of the employes of the prison at reasonable prices.

#### *Section 14—Other Appropriations Asked for.*

An appropriation should be made to replace the brick pavement around the cell buildings by cement pavement. The bricks retain moisture and cause an unhealthy dampness around the building. This would require about two thousand five hundred dollars. Also, the planking of the balconies should be replaced, roofs repaired, and the balcony for the station of the guards in front of the yard should be removed and widened to twelve feet, to enable safe and active operation of the guns in case of necessity. The rear gate building should be replaced by an appropriate structure. Two additional guard posts with machine guns have been asked for, which, while not of pressing necessity, would add much to the effectiveness of the guard department.

#### *Section 15—Appropriations Recommended.*

The appropriations for the following additions, repairs, and purposes are therefore deemed by your committee to be necessary:

Front gate building .....	\$19,000
Offices and guard building.....	12,000
Rear gate building.....	1,000
Balcony stairs to cell building.....	2,000
Roofs to cell building.....	1,200
Cement pavement.....	2,500
Old hospital.....	2,000
Insane department.....	20,000
Floor in shop building.....	2,000
Jute Revolving Fund (increased to).....	70,000

And the following appropriations in case of removal of sash and door department: Additional jute plant, one hundred and sixty thousand dollars; Jute Revolving Fund (increased), one hundred thousand dollars.

The question of an appropriation for the entire support of the prison is considered further on in this report in section sixteen.

#### *Section 16.*

We now come to the proposition advanced by the Board of Prison Directors, that the sum of two hundred and one thousand dollars annually be appropriated for the maintenance of the prison for the two years following. This sum would be sufficient to pay all the current expenses of the prison, and the net earnings of the various departments would be paid into the State Treasury.

This would leave the management with a fixed and certain sum for operations, and not dependent on the fluctuations of the net earning's fund. We can see no objections to this, as all expenses must be paid by the State ultimately, and our confidence in the management is such that we believe no incentive is necessary to cause them to make the various departments as profitable as the circumstances will allow. We would recommend that the management be given power to transfer amounts from one of the various funds to another in case of necessity, and the occasion will allow such transfer; and a re-transfer to be made in all cases when required for use of the fund from which any amount shall have been transferred, and we would deem it inadvisable to balance or settle accounts, and pay into the State Treasury the fund for net earnings until the end of the fiscal year.

#### *Section 17—Sale of Jute Goods.*

Several propositions have been advanced, designed to prevent a monopoly or corner in grain bags by restricting the manner of sale and distribution of those manufactured at the State Prison. None of the proposed measures would, in our opinion, be practicable to accomplish the object above stated; they would at the same time seriously cripple the financial interests of the jute department. To bind a business of this character by strict, unyielding regulations, contrary to the established rules of business ventures, cannot result else than in serious injury. We suggest that the market prices govern the sale of such products, and with a sufficient revolving fund, a stock of grain bags can, by proper management, be carried over to be disposed of during the harvest seasons, to be



sold in limited quantities only to actual bona fide consumers during those months; evidence to be furnished by affidavit of the consumer. This would at all times prevent a corner in the market, and enable farmers to purchase, by taking the extra trouble. It is idle to expect a farmer to make affidavit, pay extra freight, and cash, except in case of considerable gain or loss; their industry rarely allows such action, and they are dependent on those who advance funds in harvest seasons to a great extent. To be a success, this department must deal with middlemen, as well as consumers; public policy demands, however, that the latter class be favored. The honest and careful attention of the sale of jute goods by the management of the prison, under the circumstances above stated, would answer all the requirements; contracts *in futuro* should be strictly prohibited, sales made for cash, and of goods in stock.

Your committee respectfully submit the above report, reserving their report on the Folsom Prison until further examination can be made.

JONES, Chairman.

On motion of Mr. Jones, reading of the report dispensed with, ordered printed in the Journal, and five hundred extra copies printed.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That William Craig be and is hereby allowed two weeks' pay, at a per diem of four dollars, as Porter of the committee rooms, payable out of the Contingent Fund of the Senate—having had the same under consideration, respectfully report that William Craig has been employed as Porter for Room 16 since the beginning of the session, but has received for his services only one week's pay. As the Sergeant-at-Arms is of the opinion that a Porter to Room 16, where several large committees of the Senate are constantly meeting, is necessary for the comfort and convenience of members, your committee begs to present the following substitute for the above resolution, and recommend its adoption:

*Resolved*, That William Craig be and he is hereby appointed Porter of Room 16, at a per diem of four dollars, to date from January ninth, payable out of the Contingent Fund of the Senate.

MURPHY, Chairman.

The report and accompanying resolution was adopted on roll call by the following vote:

AYES—MESSRS. Boggs, Bowers, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Gessford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—32.

NOES—None.

Also:

SACRAMENTO, January 27, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That William Longshore be allowed the per diem allowed Pages, for six days, from January 3, 1887, to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that no such services were rendered.

MURPHY, Chairman.

Adopted.

Also:

SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Controller be and hereby is directed to draw his warrant in favor of the Pacific Electrical Works for the sum of two hundred dollars, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same. Said sum to be in full for services rendered pursuant to contract made under resolution by the Senate, passed January 12, 1887.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

On the adoption of the resolution above reported, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, Wilson, and Yell—33.

NOES—None.

Also:

SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That H. J. Wynne be and he is hereby substituted in place of James Wilson, as Porter of committee rooms, said Wilson having failed to attend his duties since January 22, 1887, and said Wynne having performed the duties from the date mentioned.

Beg leave to report that the Sergeant-at-Arms recommends the substitution of W. S. Linn for James Wilson, the former having performed Wilson's duties since the twenty-second instant, and the appointment of H. J. Wynne as Porter, the services of an additional Porter being necessary to care for the rooms occupied by the committees of the Senate. Your committee therefore recommend the adoption of the following substitute for the resolution:

*Resolved*, That W. S. Linn be substituted for James Wilson as Porter of committee rooms, the latter never having reported for duty, and that he be allowed pay in place of Wilson since January twenty-second. Also, that H. J. Wynne be appointed Porter of committee rooms, at a per diem of four dollars, to date from January thirty-first, payable out of the Contingent Fund of the Senate.

MURPHY, Chairman.

On the adoption of the substitute resolution above reported, the roll was called, and the same was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, and White—31.

NOES—None.

#### SPECIAL ORDER POSTPONED.

On motion of Mr. Clunie, the consideration of the special order set for this time was postponed until the third instant, immediately after the reading of the Journal.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 59—Entitled "An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies"—have had the same under consideration, and respectfully report back the same, and recommend that it do pass.

Also, Senate Bill No. 210—Entitled "An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department."

Also, Senate Bill No. 230—Entitled "An Act to propose to the people of the State an amendment to the Constitution of the State of California, relating to revenue and taxation."

And recommend that they be referred to the Committee on Constitutional Amendments.

Also, Assembly Bill No. 195—Entitled "An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, and for the appointment of such additional Judges"—and recommend that it take the place of, and be substituted on the file of the Senate for, Senate Substitute Bill No. 1—and recommend that it do pass.

Also, Assembly Bill No. 118—Entitled "An Act to amend section three thousand seven hundred and sixty-eight of the Political Code of the State of California, relating to the time and place where sales of property for delinquent taxes shall be held"—and recommend that it do pass.

Also, Senate Bill No. 169—Entitled "An Act to add a new section to the Code of Civil Procedure, relating to the Supreme Court"—and recommend that it do pass.

Also, Senate Bill No. 107—Entitled "An Act to provide an additional Judge of the Superior Court of Tulare County," together with a substitute therefor—and recommend the adoption thereof, and that the substitute do pass.

CLUNIE, Chairman.

On motion of Mr. White, Assembly Bill No. 195, above reported, was ordered on the file in place of Senate Bill No. 1, and Senate Bills Nos. 210 and 230 were referred to the Committee on Constitutional Amendments.

#### ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 200—Entitled "An Act to amend section one hundred and sixty-five of an Act entitled an Act to establish a uniform system of county and township governments," approved March 14, 1883, and amended by an Act approved March 18, 1885, relating to the compensation of county officers in counties of the third class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 117—Entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 14, 1885—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CAMINETTI, Chairman.

#### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 21—Entitled an Act to amend sections one thousand one hundred and twenty-nine, one thousand one hundred and sixty, one thousand one hundred and ninety-two, one thousand two hundred and three, one thousand two hundred and four, one thousand two hundred and twelve, one thousand two hundred and twenty-five, one thousand two hundred and twenty-six, one thousand two hundred and twenty-seven, one thousand two hundred and forty-two, and one thousand three hundred and fifty-eight of the Political Code, relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

CAMINETTI, Chairman.

#### ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 16—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and twenty-nine, one thousand nine hundred and ninety, two thousand and twenty-two, two thousand and twenty-six, two thousand and ninety-four, and to add a new section, to be known as section two thousand and twenty-seven of the Political Code, relating to the State militia.

Also, Senate Bill No. 120—An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of the said bonds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McCARTHY, Chairman.

#### ON RULES.

SENATE CHAMBER, SACRAMENTO, January 26, 1887.

MR. PRESIDENT: Your Committee on Rules beg leave to report that the resolution offered by Mr. White to amend Standing Rule One of the Senate, relating to time of meeting, and hereto attached—have had the same under consideration, and recommend its adoption.

LANGFORD, Chairman.

Offered January 25, 1887, and referred to Committee on Rules:

#### NOTICE TO AMEND THE STANDING RULES OF THE SENATE.

The undersigned hereby gives notice that at the regular meeting of the Senate, to-morrow, he will move that the following resolution be adopted, to wit:

*Resolved*, That Rule One of the Standing Rules of the Senate be amended, so as to read as follows:

## OPENING OF THE DAILY SESSION.

The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock to one o'clock and thirty minutes P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock and thirty minutes P. M.

STEPHEN M. WHITE.

Mr. White moved the adoption of the report.

Mr. Clunie moved to amend, to the effect that the proposed amendment above reported shall commence on Tuesday, February 8, 1887.

Amendment accepted.

On the adoption of the report as amended, the roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moditt, Patterson, Rose, Roth, Sargent, Steele, Sullivan, Walrath, White, Wilson, and Yell—33.

NOES—Messrs. Crandall, McDonald, Murphy, Pinder, Spellacy, and Vrooman—6.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 41—An Act to encourage tree planting within the State of California.

SPELLACY, Chairman.

President pro tem. White in the chair.

## INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Abbott: Senate Bill No. 268—An Act to make an appropriation for the payment of water supplied to the State Prison at San Quentin by Marin County Water Company, from November 1, 1877, to December 1, 1881.

Referred to Committee on Judiciary.

By Mr. Boggs: Senate Bill No. 269—An Act to repeal "An Act concerning corporations and persons engaged in the business of banking," approved April 1, 1876, requiring publication of semi-annual statements by the banks.

Referred to Committee on Banks and Banking.

Also, Senate Bill No. 270—An Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Referred to Committee on State Prison and Prison Buildings.

By Mr. Briceland: Senate Bill No. 271—An Act to encourage and provide for a general vaccination in the State of California.

Referred to Committee on Hospitals.

By Mr. White: Senate Bill No. 272—An Act to amend Chapter III of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the incorporation and government of cities having a population of more than thirty thousand and not exceeding one hundred thousand.



Referred to Committee on City, City and County, and Town Governments.

By Mr. McCudden: Senate Bill No. 273—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VII, thereof, to be known as section one thousand three hundred and eighty-nine, for the prevention of minors being employed by telephone companies or special delivery companies to deliver notes or messages to houses of prostitution or places of questionable repute.

Referred to Committee on Public Morals.

By Mr. Jones: Senate Bill No. 274—An Act making appropriations for the erection of buildings, and for other improvements at the State Prison at San Quentin.

Referred to Committee on State Prison and Prison Buildings.

By Mr. McCudden: Senate Bill No. 275—An Act to amend section three thousand five hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public lands.

Referred to Committee on Judiciary.

By Mr. Yell: Senate Bill No. 276—The Legislature of the State of California, at its session beginning on the third day of January, A. D. 1887, hereby proposes that section ten, Article XIII, of the Constitution of the State of California, to be amended so as to read as follows.

Referred to Committee on Constitutional Amendments.

By Mr. McCarthy (by request): Senate Bill No. 277—An Act to amend section one thousand and twenty-one of the Code of Civil Procedure of this State.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 278—An Act to amend section one thousand two hundred and forty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads.

Referred to Committee on Judiciary.

## REPORT—(OUT OF ORDER).

### ON STATE PRISON AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings, to whom was referred Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled an Act to define, regulate, and govern the State Prisons of the State of California," approved April 15, 1880—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

JONES, Chairman.

### THIRD READING OF BILLS.

Senate Bill No. 23—An Act to provide for the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to Special Orders No. 26, Series 1880, issued from general headquarters.

### CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.  
So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call dispensed with.

The bill was then read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Spellacy, Sullivan, Vrooman, Walrath, Wilson, and Yell—28.

NOES—Messrs. Bowers, Briceland, Gesford, Haynes, Hinshaw, Moffitt, Pinder, Sargent, Steele, and White—10.

Title read and approved.

Mr. Caminetti gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was passed.

Senate Bill No. 26—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—36.

NOES—None.

Title read and approved.

Senate Bill No. 60—An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—None.

Title read and approved.

Senate Bill No. 49—An Act to provide for the permanent support of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

#### CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion of Mr. Goucher, further proceedings under the call were dispensed with.

Senate Bill No. 49—An Act to provide for the permanent support of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—38.  
 NOES—Mr. Hinshaw—1.

Title read and approved.

Senate Bill No. 41—An Act encouraging tree planting within the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.  
 NOES—Messrs. Briceland, Conklin, Haynes, Hinshaw, Langford, Roth, and Sargent—7.

Title read and approved.

#### SECOND READING OF BILLS.

Senate Bill No. 22—An Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Passed on file.

Senate Bill No. 28—An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California.

Read second time, and the following committee amendment considered: In second line of section one, insert, after the word "schools," the words "whose salary is less than two thousand dollars per annum."

Mr. Abbott offered an amendment to the committee's amendment, as follows: Amend, by striking out all of section one, after the word "law," on line two.

On the adoption of the amendment to the committee's amendment, the ayes and noes were demanded by Messrs. Abbott, Walrath, and Patterson, and the Senate rejected the same, by the following vote:

AYES—Messrs. Abbott, Briceland, Byrnes, Crimmins, Dray, Langford, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, and Yell—14.  
 NOES—Messrs. Bowers, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, Sullivan, White, and Wilson—25.

Mr. Gesford moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Mr. Gesford moved that further proceedings under the call be dispensed with.

So ordered.

Mr. Walrath offered the following amendment: In section one, line four, after the word "duties," add the following: "in class 13."

On the adoption of Mr. Walrath's amendment, the ayes and noes were demanded by Messrs. Walrath, Yell, and Goucher.

#### BILLS TAKEN UP—(OUT OF ORDER).

On motion of Mr. Bowers, Assembly Bill No. 195, substituted for Senate Bill No. 1, withdrawn, was taken up out of order.

Assembly Bill No. 195—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.

Read first time, and ordered on file for second reading.

#### ADJOURNMENT.

Thereupon, at five o'clock and ten minutes P. M., on motion of Mr. Walrath, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 2, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

The President announced that the Chaplain was not present, on account of the death of his child, and therefore there would be no morning prayer.

#### READING OF JOURNAL.

Pending reading of the Journal of yesterday, under the head of "reports," Mr. Boggs moved that the further reading of the report on State Prisons and Prison Buildings be dispensed with.

So ordered.

Reading of the Journal concluded, and the same, as amended, approved.

President Waterman addressed the Senate in acknowledgment and appreciation of the action of the Senate had yesterday, touching the privileges of those occupying seats upon the floor of the Senate, in which his name was referred to.



## REMARKS OF PRESIDENT WATERMAN.

SENATORS: On yesterday, during my absence from the Senate, and on motion of Senator Vrooman, a committee was appointed to inquire into certain matters touching the privileges of those occupying seats upon the floor of the Senate, in which my name was mentioned. My object in now claiming the privilege of addressing the Senate is not to refer to the details connected with the action then taken, but simply for the purpose of expressing my earnest thanks and gratitude to the Senators for the magnanimous manner in which each and all couched their feelings of confidence in me and their sincere appreciation of my endeavors to properly discharge the important functions of my office. Elected by the people of the State as their Lieutenant-Governor, and by virtue of such election I became the presiding officer of the Senate. I admit I approached the occupancy of the position with considerable trepidation and a want of confidence in myself to wholly meet its requirements and your expectations, but as the days of the session wore on, and I observed the uniform kindness and forbearance of your manner towards me, I became convinced you were all my friends, thus greatly fortifying me, and your action of yesterday, which has prompted this, is in proof that I made no false estimate of the place I held in your esteem; and, therefore, it is my grateful feelings which prompt me thus to recognize the relations existing between us. Again thanking you heartily and sincerely, I pledge myself that during my incumbency as President, the honor, decorum, and dignity of the Senate shall always be maintained.

On motion of Mr. Vrooman, the remarks of President Waterman were ordered spread in full upon the Journal.

## FIRST SPECIAL ORDER.

Senate Concurrent Resolution No. 3—Relative to the withdrawal of Government timber land from sale.

Mr. Moffitt in the chair.

Mr. White offered the following amendment to Senate Concurrent Resolution No. 3: Amend, by striking out all that portion thereof which is in these words, to wit: "an immediate withdrawal of all Government timber lands in California from sale until a definite survey shall have ascertained what portion of such lands," and insert, instead of the matter so stricken out, the following: "a definitive survey of said lands for the purpose of ascertaining what portion thereof, if any."

Adopted.

Mr. White moved that Senate Concurrent Resolution No. 3, as amended, be adopted.

So ordered.

## SECOND SPECIAL ORDER.

Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

Mr. White offered a substitute for section one, as follows:

SECTION 1. All the members of the State Board of Forestry of this State, and all assistants now employed or hereafter to be employed by said Board, are hereby endowed with all the powers of peace officers for the purpose of making arrests for any violation of any law applying to forests or brush laws within this State prohibiting the destruction thereof.

Substitute adopted.

Mr. Caminetti offered the following amendment to Mr. White's substitute:

*Provided*, that such assistants shall be the Constables or Constable of the localities where the services are to be performed.

Lost.

Mr. Abbott moved to amend line three, section two, by striking out

the words "thirty thousand," and inserting the words "fifteen thousand."

#### RECESS.

Pending consideration of the amendment, the Senate took the usual daily recess. The time for reassembling this P. M., on motion of Mr. Wilson, and by unanimous consent, was extended to half-past two o'clock.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Mr. Moffitt in the chair.

Consideration of Mr. Abbott's amendment to section two of Senate Bill No. 42 resumed.

Mr. Rose offered an amendment to the amendment, making the appropriation twenty-nine thousand five hundred dollars instead of fifteen thousand dollars.

On the adoption of the amendment to the amendment, the ayes and noes were demanded by Messrs. Dray, Abbott, and Wilson, and the same was carried by the following vote:

AYES—Messrs. Bowers, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Goucher, Hinshaw, Langford, McCarthy, McCudden, McDonald, Moffitt, Pinder, Rose, Spellacy, Steele, Sullivan, Walrath, White, and Yell—22.

NOES—Messrs. Abbott, Boggs, Briceland, Chandler, Dray, Gesford, Hall, Haynes, Lenahan, Meany, Murphy, Patterson, Roth, Sargent, Vrooman, and Wilson—16.

Section two, as amended, was then adopted.

Senate Bill No. 42 read second time, ordered engrossed, and to a third reading.

#### PETITIONS AND MEMORIALS.

By Mr. Briceland: A memorial of eminent scientists in the employ of the United States Government at Washington, D. C., concerning the purchase of the Bancroft Historical Library by the State of California.

Referred to Committee on State Library.

By Mr. Goucher: A petition from citizens and taxpayers of Mono County, respecting the salaries of the county officers of said county.

Referred to Committee on Counties, County Government, and Township Organization.

#### REPORTS OF STANDING COMMITTEES.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 4—Relating to the establishment of a Branch Normal School in Shasta County—have had

the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 27—Relating to public schools—and recommend that it do pass, as amended.

GESFORD, Chairman.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 101—An Act to prevent injuries to navigable streams—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GOUCHER, Chairman.

ON MINES, DRAINAGE, AND MINING DEBRIS—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 51—Entitled an Act to provide for the impounding of mining debris—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

GOUCHER, Chairman.

MINORITY REPORT.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 51—An Act to provide for the impounding of mining debris—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

A. L. CHANDLER.  
THOS. J. CLUNIE.

MINORITY REPORT ON SENATE BILL NUMBER ONE HUNDRED AND ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: We, of the Committee on Mines and Mining, to whom was referred Senate Bill No. 101—Entitled "An Act to prevent injuries to navigable streams"—beg leave to submit the following minority report:

We recommend that the said bill be amended in the following respects: By striking out of section one, in line nine, the word "felony," and inserting the words "a misdemeanor." By striking out of line ten, in said section, the words "not less than one hundred nor more than," and inserting the words "not exceeding." By striking out of line eleven, in said section, the words "State Prison," and inserting the words "county jail," and by striking out of the same line the words "one year," and inserting the words "six months," so as to make the amended lines read as follows: "Owned or controlled by him for any of the purposes aforesaid, is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment." We also report in favor of the Senate adopting the said amendments, and that the bill do pass, as amended.

We beg leave to report further, that the existing legal machinery for executing and enforcing the decrees of the Courts with regard to hydraulic mining is ineffectual and inadequate; that there is no effective means now provided by law for the punishment of hydraulic miners who cannot be personally identified, and who are in contempt of Court for violating and disobeying the orders and processes thereof; that by reason of the law as it now exists great numbers of Chinamen are running mines by the hydraulic process, and dumping and causing to be dumped mining debris in such quantities into the navigable streams and their tributaries as to threaten their complete destruction, and to ruin the lands adjacent to them; that in many cases where white men are now enjoined from discharging and dumping mining debris into the rivers and streams of this State, they have transferred their property by fictitious conveyances, for the purpose of evading the law, to Chinamen, who ply the hydraulic nozzle against the mountain sides with redoubled vigor; that at present, as appears from the report of the Government Engineer and others, over two hundred Chinamen and less than fifteen white men are actually engaged in dumping and discharging debris, by the hydraulic process of mining, into the Bear River; that on the Yuba River large numbers of Chinamen are engaged in the same manner in the same business, where most of the white men have either voluntarily obeyed, or have been compelled to obey, the orders, injunctions, and processes of the Courts; that on the American River large numbers of Chinamen and very few white men are likewise engaged in the same business; and that on the Feather River a like condition of affairs exists; that as the laws for the prevention of the destruction of the navigable streams of the State by unlawful mining can only be successfully enforced as against white men, and as the application of the principles as laid down by the decisions of our Courts upon this subject completely fails when attempted to be applied to the Chinese, who are not susceptible of personal identification, we are satisfied that it is the duty of this body to provide some measures which will insure an equality of protection as against

both classes; that the counties in this State injured by the overflow of streams, caused by the deposit of mining debris, and the inhabitants of said counties, have expended over a quarter of a million of dollars in this anti-debris litigation; that, by reason of said mining, property exceeding in value fifty millions of dollars has been destroyed, and navigable streams of inestimable commercial value have been filled and choked with mining debris to such an extent as to completely ruin them; that this work of destruction still continues, and is being mainly carried on by Chinese, against whom there is, at present, no adequate means of enforcing the decrees of the Courts.

A. L. CHANDLER.  
THOS. J. CLUNIE.  
D. J. MCCARTHY.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 165—An Act to amend section six hundred and twenty-six of the Penal Code, relative to fish and game—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 170—An Act to amend section six hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to the compensation of the Fish Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

SARGENT, Chairman.

#### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Government, to whom was referred Senate Bill No. 118—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved March 23, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 34—An Act entitled an Act to provide for the better protection and security of life and property in the use of steam boilers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

#### ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 114—An Act to amend section three hundred and seventy-eight of the Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the preservation of the public health and safety, and registration of births, deaths, and marriages.

Also, Senate Bill No. 110—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human bodies, and preservation of the public health.

Also, Senate Bill No. 111—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 113—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registration of births, deaths, and marriages.

Also, Senate Bill No. 112—An Act to amend section three thousand and sixty-two of an Act to add a new section thereto, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Also, Senate Bill No. 188—An Act to amend an Act entitled "An Act to grant to Boards of Health or Health Officers, in cities and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the regulation of plumbers," approved March 3, 1885, by amending sections one and two thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BRICELAND, Chairman.

#### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 50—An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and



statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum.

Also, Senate Bill No. 201—An Act to appropriate money to pay the claim of R. F. Del Valle.

Also, Senate Bill No. 202—An Act to appropriate money to pay the claim of Benjamin Knight.

Also, Senate Bill No. 203—An Act to appropriate money to pay the claim of W. T. Brown, or his executors or administrators.

Also, Senate Bill No. 204—An Act to appropriate money to pay the claim of B. F. Langford.

Also, Senate Bill No. 205—An Act to appropriate money to pay the claim of E. T. Wilkins.

Also, Senate Bill No. 74—An Act to pay the claim of Jesse A. Galland.

Also, Senate Bill No. 76—An Act to pay the claim of J. F. Gawthorne.

Also, Senate Bill No. 77—An Act to pay the claim of Edward J. Smith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass. And herewith is submitted the testimony taken upon Senate Bill No. 50, and the documentary evidence submitted upon Senate Bills Nos. 74, 76, and 77.

MEANY, Chairman.

#### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

SPELLACY, Chairman.

#### ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 212—Entitled "An Act to amend an Act entitled an Act to establish a uniform system of county governments," approved March 14, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 183—Entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending section twenty-six of said Act, relating to ordinances—and recommend that it do not pass.

CAMINETTI, Chairman.

#### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Constitutional Amendments beg leave to report that they have had the following bills under consideration, and report the same back, with the following recommendations, viz.:

Senate Bill No. 138—Your committee report the same back, with the recommendation that it do pass.

Also, Senate Bill No. 126—Your committee have had the same under consideration, and report the same back, with a recommendation that it do not pass.

Also, Senate Bill No. 230—Your committee have had the same under consideration, and report the same back, with a recommendation that it do not pass.

Also, Senate Bill No. 139—Your committee have had the same under consideration, and report the same back, with a recommendation that it do not pass.

YELL, Chairman.

#### ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: On the twenty-fifth of January your Committee on Hospitals visited the Institute for the Deaf and Dumb and the Blind, at Berkeley. We went without notice, but found everything in most excellent order. We made an inspection of the class rooms and the methods of instruction, and, judging by the results we saw, the blind and the deaf have better teaching than the pupils of our common schools. The children were clean, bright, and happy, and seemed as glad to exhibit their attainments as we were to see them. The relations of the officers and pupils were evidently of the most friendly and intimate character; indeed the whole institution, both in its discipline and appointments, seemed more like a large, well regulated home than an asylum.

The committee made a careful inspection of the dormitories, bath-rooms, sitting rooms, refectory, cooking school, and the various sections of the art and mechanical departments. Everywhere we found neatness and order, and evidence of executive ability to a more than usual degree.

At the request of the committee the Principal of the institution furnished some statistics, taken from the books, and also some comparative statements which tend to correct the impression that this school is extravagantly conducted. On the contrary, it would seem to be carried on with less expense than similar schools at the East under similar conditions.

The following table was made out from the most recent reports of the institutions named:

## PER CAPITA COST.

Massachusetts, blind, cost per annum .....	\$300 00
Massachusetts, deaf and dumb, cost per annum .....	300 00
Connecticut, deaf and dumb, cost per annum .....	284 00
New York, deaf and dumb, cost per annum .....	272 00
New York, blind, cost per annum .....	270 00
Pennsylvania, deaf and dumb, cost per annum .....	271 00
Pennsylvania, blind, cost per annum .....	292 00
Washington, deaf and dumb, cost per annum .....	471 00
Average cost per capita, eight institutions .....	307 50
California Institution for Deaf and Dumb and the Blind .....	276 00

It will be seen from the foregoing table that the cost of educating the blind and deaf children in this State is thirty-one dollars and fifty cents less per capita than the average cost in the eight eastern institutions compared. In all cases the comparison was made upon the number of pupils enrolled.

The day the committee visited the institution there was in actual attendance one hundred and fifty pupils. There was enrolled one hundred and sixty-eight—eighteen being detained at home for various reasons.

The number of employes was as follows:

Principal .....	1
Teachers .....	10
Physician .....	1
Clerk and Steward .....	1
Matrons .....	3
Assistant Matrons .....	2
Housekeeper and teacher of cooking school .....	1
Engineer .....	1
Cook .....	1
Servants .....	10
Janitor school building .....	1
Watchman .....	1
Gardener .....	1
Assistant Gardener .....	1
Stableman .....	1
Dairyman .....	1
Teacher wood working .....	1
Total .....	38

This gives a proportion of one employe to about four pupils. That this is not unreasonable the following comparison will show:

STATE.	No. Pupils.	No. Employes.	Employes, per capita.	Average Wages Paid Servants.
Ohio, blind .....	260	66	1 to 3.93	\$13 00
Ohio, deaf, dumb, and blind .....	373	90	1 to 4.01	12 94
Minnesota, deaf and dumb .....	151	35	1 to 4.31	12 65
Michigan, blind .....	73	24	1 to 3.00	9 60
Michigan, deaf and dumb .....	249	56	1 to 4.44	12 26
Indiana, blind .....	117	31	1 to 3.77	17 00
Iowa, deaf and dumb .....	228	47	1 to 4.8	14 00
Kentucky, blind .....	77	25	1 to 3.08	11 69
New York, blind .....	186	45	1 to 4.12	14 50
Texas, deaf and dumb .....	76	19	1 to 4.00	3 87
Average .....				\$13 06
California .....	168	38	4.42	\$26 81

In estimating the cost of supporting a school of this kind, it is important to note the difference in wages paid to work people. It will be seen that California pays nearly double the rate paid in Eastern States.

An examination of the "Principal's Dissections" in the report of this institution shows that in the domestic department there has been an economical administration of affairs

that merits commendation. The report gives the total cost of "groceries and provisions," amounting to \$17,185 19, for the two years ending June 30, 1886.

The average number of pupils and employes to be fed has been one hundred and ninety-two, which gives a daily per capita of a little less than fourteen cents for each inmate of the institution.

Your committee has felt it a duty to go somewhat into detail concerning this excellent institution, because there seems to be a misapprehension of facts on the part of some of the Senators. And in conclusion we can heartily adopt the language of Governor Stone-man, who, in his message, says: "I have reason to believe, from frequent personal inspection, that no school of its kind in the country is doing its beneficent work in a more satisfactory manner than the institution at Berkeley." Your committee would also add "more economically."

Respectfully submitted.

BRICELAND, Chairman.

#### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 79—An Act for the relief of George Nightingale, Michael Ryan, Joseph Rosa, Bridget Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Anna Elizabeth Snider, Eliza Kelleher, William J. Nightingale, Margaret Coogan, Bridget L. Ryan, Elizabeth Overend, Thomas Dillon, Patrick Garrigan, Bridget F. Houston, Timothy Murphy, James McGough, Otis Berge, James Hartford, and Ellen J. McArevey, herewith propose and recommend a substitute for said bill, which substitute is herewith submitted with this report, and further recommend that the substitute do pass, and herewith is submitted the testimony taken before the committee in considering said bill.

MEANY, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following Assembly Bills:

Assembly Bill No. 69—An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State.

Assembly Bill No. 70—An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of fish.

Assembly Bill No. 46—An Act amending section one thousand one hundred and forty-three of the Code of Civil Procedure of the State of California, as amended March 18, 1885, and section one thousand one hundred and eighty-seven of the Code of Civil Procedure of the State of California, as amended March 30, 1874, relating to liens of mechanics and others.

Assembly Bill No. 78—An Act to provide an additional Judge of the Superior Court of the County of San Bernardino.

Assembly Bill No. 68—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relative to property exempt from execution.

Assembly Bill No. 91—An Act to amend section six hundred and thirty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to repeal section six hundred and thirty-three and section six hundred and thirty-four of said Act, relating to trials by the Court and findings.

Assembly Bill No. 92—An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notary Publics.

Assembly Bill No. 136—An Act to repeal an Act entitled "An Act to amend an Act to incorporate the City of Santa Barbara," approved March 30, 1878.

Assembly Bill No. 172—An Act to amend "An Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association," approved March 7, 1883.

Assembly Bill No. 40—An Act to amend section thirty-two of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Assembly Bill No. 62—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal incorporations," approved March 13, 1883.

FRANK D. RYAN, Chief Clerk.

Assembly Bills Nos. 69 and 70 read by title, and referred to Committee on Fish and Game.

Assembly Bills Nos. 46, 78, 68, 91, and 92, severally referred to Committee on Judiciary.

Assembly Bills Nos. 136, 40, and 62, read by title, and severally referred to Committee on Counties, County Government, and Township Organization.

Assembly Bill No. 172, read by title, and referred to Committee on Military Affairs.

Also, the following message from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 35—An Act for the better protection of settlers on the public lands of the United States within the State of California, and for the protection and encouragement of persons desirous of settling thereon.

F. D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

On motion of Mr. Sargent, Assembly Bill No. 35 was referred to Committee on Judiciary.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Yell gave notice that, on to-morrow, he would move a reconsideration of the vote by which Mr. Rose's amendment to Senate Bill No. 42 was concurred in by the Senate.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred, as follows:

By Mr. Langford: Senate Bill No. 279—An Act to amend section three thousand four hundred and forty-two of the Political Code of the State of California, relating to preferred purchasers of public lands.

Referred to Committee on Public, Swamp and Overflowed Lands.

By Mr. Lenahan (by request): Senate Bill No. 280—An Act to authorize the Board of Supervisors of the City and County of San Francisco to examine into, adjust, and pay the claim of Thomas Day, of the City and County of San Francisco, for damages done to, and injuries suffered by, certain real property of the said Day, situated on the north side of Harrison Street, between Second and Third Streets, in said city and county, by reason of the modification of the grade of said Second Street, between Howard and Bryant Streets, had and made pursuant to the Act of the Legislature of the State of California, approved March 30, 1868, and entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets."

Referred to Committee on Claims.

By Mr. Jones: Senate Bill No. 281—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

By Mr. Sargent: Senate Bill No. 282—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.



Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Sullivan (by request): Senate Bill No. 283—An Act to amend an Act entitled an Act to appropriate the sum of thirty-four thousand four hundred and nineteen dollars and forty cents to pay the amount found by the Sixth Judicial Court to be due Mr. Miles and his sureties, for work done under contract in building the State Prison at Folsom, approved March 10, 1885.

Referred to Committee on Claims.

By Mr. McCudden: Senate Bill No. 284—An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane.

Referred to Committee on Public Buildings other than Prison Buildings.

Also, Senate Bill No. 285—An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the manner of apportioning the State School Fund.

Referred to Committee on Education.

By Mr. McCarthy: Senate Bill No. 286—An Act to add a new section to the Political Code of California, to be numbered one thousand five hundred and eight, relating to diplomas granted by the Board of Trustees of the State Normal School, and by the Board of Trustees of Branch State Normal Schools in this State.

Referred to Committee on Education.

By Mr. Moffitt: Senate Bill No. 287—An Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

By Mr. Wilson: Senate Bill No. 288—An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 289—An Act to amend sections one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, and one thousand one hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to uniformity of tickets.

Referred to Committee on Elections.

By Mr. Clunie (by request): Senate Bill No. 290—An Act to appropriate the sum of two thousand seven hundred and twenty-five and twenty one hundredths dollars to Wells, Fargo & Co.'s Bank, for advances made to the State Mining Bureau upon the order of Henry G. Hanks, Esq., while State Mineralogist.

Referred to Committee on Claims.

Also, Senate Bill No. 291—An Act to prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods.

Referred to Committee on Labor and Capital.

By Mr. Vrooman: Senate Bill No. 292—An Act to amend section three thousand three hundred and sixty of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to damages in cases of libel or slander.

Referred to Committee on Judiciary.

Also, Senate Bill No. 293—An Act fixing a standard of time.

Referred to Committee on Judiciary.

Also, Senate Bill No. 294—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to corporations.

Referred to Committee on Corporations.

By Mr. Jones: Senate Concurrent Resolution No. 6—Concurrent resolution amending sections two and twenty-three, Article IV, of the Constitution.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Concurrent Resolution has been correctly engrossed:

Senate Concurrent Resolution No. 3—Relative to the withdrawal of government timber land from sale.

SPELLACY, Chairman.

##### MOTION TO RECONSIDER.

Mr. Caminetti, in accordance with notice given, moved that the vote by which Senate Bill No. 23 was passed at yesterday's session be reconsidered.

Ayes and noes demanded by Messrs. Bowers, Caminetti, and Moffitt, and the motion to reconsider was lost by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Gesford, Haynes, Hinshaw, Jones, Langford, Moffitt, Patterson, Pinder, Rose, Sargent, Spellacy, Sullivan, Vrooman, Walrath, and White—19.

NOES—Messrs. Boggs, Byrnes, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Roth Steele, Wilson, and Yell—21.

##### THIRD READING OF BILLS.

Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Chandler, Clinie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and Yell—32.

NOES—Messrs. Abbott, Byrnes, Caminetti, Crimmins, Jones, Moffitt, White, and Wilson—8.

Title read and approved.

##### NOTICE OF MOTION TO RECONSIDER.

Mr. Yell gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 20 was passed.

##### SECOND READING OF BILLS.

Senate Bill No. 22—An Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Bill read a second time.

Mr. Dray offered a substitute.

Substitute adopted, ordered engrossed, and to a third reading.

Senate Bill No. 28—An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California.

Passed on file.

Senate Bill No. 102—An Act to amend sections number one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees.

Read second time.

Bill amended in first subdivision of section two, by inserting the word "otherwise" immediately before the word "authorized."

Also, on motion of Mr. Crandall, section three was amended, by striking out the word "Trustee," and inserting in lieu thereof the word "Trustees."

The bill, so amended, was ordered engrossed, and to a third reading.

Assembly Bill No. 195—An Act to provide two additional Judges of the Superior Court of the County of Los Angeles, State of California.

Read second time, and ordered on file for third reading.

Senate Bill No. 267—An Act to appropriate money to pay the contingent expenses of the Senate for the twenty-seventh session of the Legislature.

Read second time, ordered engrossed, and to a third reading.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Jones:

*Resolved*, That a warrant be drawn on the Contingent Fund of the Senate for the sum of fifteen dollars, in favor of John A. Carroll, as payment for services as shorthand reporter to Committee on State Prisons at San Quentin January 22, 1887.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. McCarthy:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of each of the following named Senators and clerk, for mileage account of Senate Committee on Military Affairs, for the sum of sixteen dollars and eighty cents, as per statement herewith:

	Miles. Amount.	
To Senator D. J. McCarthy—to San Francisco and return.....	168	\$16 80
To Senator T. H. McDonald—to San Francisco and return .....	168	16 80
To Senator P. Crimmins—to San Francisco and return .....	168	16 80
To Senator J. N. E. Wilson—to San Francisco and return.....	168	16 80
To Senator J. R. Spellacy—to San Francisco and return .....	168	16 80
To Senator A. F. Jones—to San Francisco and return .....	168	16 80
To Senator A. Yell—to San Francisco and return.....	168	16 80
To Clerk J. J. Pendergast—to San Francisco and return .....	168	16 80

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Vrooman moved that five thousand copies of Governor Bartlett's inaugural message be printed.

So ordered.

#### FIRST READING OF BILLS.

Senate Bill No. 33—An Act to amend section three hundred and sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to the acquisition and holding of real property by corporations, and the distribution thereof to stockholders.

On motion of Mr. Moffitt, passed on file.

Senate Bill No. 48—An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election, November 2, 1886.

Also, Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Also, Senate Bill No. 47—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and seventy-three.

Also, Senate Bill No. 137—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor, and the duties of County Clerks in relation therewith.

Also, Senate Bill No. 130—An Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Also, Senate Bill No. 136—An Act to add a new section to the Political Code of the State of California, to be numbered section four thousand two hundred and twenty-five, in relation to the duties of County Auditors.

Also, Senate Bill No. 12—An Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Also, Senate Bill No. 197—An Act to propose an amendment to section seven (7), of article nine (IX), of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

Were severally read first time.

#### ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Briceland, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER, }  
 Thursday, February 3, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Mollitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

In the absence of the Chaplain, the morning prayer in the Senate was not heard.

Journal of yesterday read and approved.

## SPECIAL ORDER.

Consideration of Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California—and committee's substitute therefor—proceeded with.

The question being on the second reading of the bill.

## RECESS.

Pending consideration of the same, on motion of Mr. Vrooman, at twelve o'clock and twenty-five minutes p. m., the Senate took a recess until two o'clock this p. m.

## REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sergeant, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Mr. Dray in the chair.

Consideration of Senate Bill No. 3, and substitute therefor, resumed.

Bill read a second time.

Mr. Clunie moved that the further consideration of said bill and substitute be postponed until half-past two o'clock this p. m.

So ordered.

## BILL TAKEN UP—(OUT OF ORDER).

Mr. White moved to take up out of order, from General File, third reading of the bills, Assembly Bill No. 195—An Act to provide for two additional Judges of the Superior Court of the County of Los Angeles, State of California.

So ordered.

Upon the question, "Shall the bill be read a third time and passed?"

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gossard, Goodrich, Hall, Haynes, Henshaw, Jones, Langford, Lonschan, McCarthy, McDonald, Mearns, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—34.

NOES—None.

Title read and approved.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 192—An Act to amend sections one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to School Trustees.

Senate Bill No. 22—An Act entitled an Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Senate Bill No. 27—An Act to appropriate money to pay the contingent expenses of the Senate for the twenty-seventh session of the Legislature.

SPELLACY, Chairman.

Mr. Moffitt moved to take up, out of order, from the Special File, third reading of bills, Senate Bill No. 267—An Act to appropriate money to pay the contingent expenses of the Senate for the twenty-seventh session of the Legislature.

So ordered.

Bill read third time, and passed by the following vote, and ordered immediately transmitted to the Assembly:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gossard, Goodrich, Hall, Haynes, Henshaw, Jones, Langford, Lonschan, McCarthy, McDonald, McQuinn, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—34.

NOES—None.

Title read and approved.

Mr. Clinie moved to take up Assembly message.

So ordered.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 55—An Act to protect the manufacturing industries of this State.

FRANK D. RYAN, Chief Clerk.

By FRANK J. BRANDON, Assistant Clerk.

Mr. Clunie moved that Assembly Bill No. 55—An Act to protect the manufacturing industries of this State—be placed on the file for first reading, in lieu of Senate Bill No. 159.

So ordered.

Mr. Clunie then withdrew Senate Bill No. 159.

Assembly Bill No. 55 read first time.

#### SPECIAL ORDER.

Consideration of substitute for Senate Bill No. 3—pending when the Senate took a recess—resumed.

Substitute bill read.

On motion of Mr. Clunie, the further consideration of Senate Bill No. 3, and the substitute therefor, was made the special order for next Tuesday, immediately after the reading of the Journal.

#### REPORTS OF STANDING COMMITTEES.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 5—Relative to the services of Captain John Mullan—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GESFORD, Chairman.

Mr. Caminetti moved the adoption of Senate Concurrent Resolution No. 5—Relating to the employment of Captain John Mullan to represent the State of California in the collection of certain moneys due from the United States to this State.

Mr. Clunie moved, as an amendment, that the resolution be re-referred to the Committee on Education.

Adopted.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture have had under consideration Senate Bill No. 147—An Act to prevent the spreading of fruit, fruit tree, and vine insect pests, and to provide for their extirpation—and report the same back, with the recommendation that it pass, with the following amendments:

Amend section one, line twenty, by striking out the word "State," and insert in lieu thereof the words "Inspectors of Fruit Pests."

Amend section three, line twenty-five, by inserting immediately after the words "or from," the words "the Local Inspector appointed by the County Board."

Amend section fourteen, line twenty-one, by inserting after the words "ornamental trees," the words "planted out permanently."

Also, Senate Bill No. 186—An Act to amend sections six, eight, nine, and twelve, of an Act entitled "An Act to create and establish a State Board of Horticulture, and to appropriate money for the expense thereof," approved March 13, 1883, and to add four new sections to said Act, to be known as sections thirteen, fourteen, fifteen, and seven, and to repeal section seven of said Act—have had the same under consideration, and report the same back, with the recommendation that it do pass, with the following amendments:

Amend section three by striking out the words "one thousand," where they first occur in the said section, and insert in lieu thereof the words "five hundred."

Amend section four of the bill by striking out the words "fifteen thousand," where they occur, and insert in lieu thereof the words "twelve thousand."

ROSE, Chairman.

By Mr. Meany:

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 75—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Thomas Curtin—have had the same under consideration, and report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 37—An Act making an appropriation for the relief of certain employes and other creditors of the State—and respectfully propose and submit a substitute therefor, and recommend that the substitute do pass.

Also, Senate Bill No. 45—An Act for the relief of William Pyburn, or assignees, for services rendered as private in defending the eastern frontier against the attacks of Indians—and report the same back, without recommendation.

Also, Assembly Bill No. 79—An Act to appropriate money to pay the claim of William Gutenberg, for mechanics' tools and property destroyed at the Branch State Prison at Folsom—and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 218—An Act making appropriation for deficiency in the appropriation for salary of the Secretary of the State Engineer, for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years—and recommend that it be referred to the Committee on Finance.

Senate Bill No. 218, above reported, referred to Committee on Finance.

Also, Senate Bill No. 86—An Act providing for the payment to D. Jordan for work and labor performed upon and materials furnished in the construction of the State Prison at Folsom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended, and herewith is submitted the testimony taken by the committee in considering said matter, which we recommend be printed.

MEANY, Chairman.

Ordered that five hundred copies of the testimony in the case of D. Jordan be printed.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 288—Entitled an Act to amend an Act entitled an Act to authorize corporations to own and improve the lots and houses in which their business is carried on, approved April 1, 1876—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended. Insert in said bill, instead of "6," the figures "1."

Also, Senate Bill No. 171—Entitled "An Act to amend an Act entitled an Act to establish a Political Code," approved March 12, 1872—and recommend that it do pass, as amended.

Also, Senate Bill No. 172—Entitled "An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, by adding a section thereto, to be known as section ten hundred and fifty-six (1955), and to amend section ten hundred and fifty-seven (1957) of said Act, relating to sureties on undertakings and bonds"—and recommend that it do pass.

Also, Assembly Bill No. 92—Entitled "An Act to amend section seven hundred and ninety-one of an Act entitled an Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 181—Entitled "An Act to repeal an Act entitled an Act to punish seduction," approved March 1, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Assembly Bill No. 47—Entitled "An Act to amend section one thousand two hundred and forty-one of the Civil Code of California, as amended April 6, 1880, relating to the subjection of homesteads to execution"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 178—Entitled "An Act to amend section two hundred and sixty-six of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by providing for the punishing of seduction accomplished by means of false representations and pretenses, or other fraudulent means"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 179—Entitled "An Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by adding to Chapter I, Title IX, of Part I, thereof, two new sections numbered respectively two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction and sexual intercourse procured and had under promise of marriage, and relating to the effect of the marriage of



the parties concerned after the commission of the offense"—and recommend that it do pass.

Also, Senate Bill No. 180—Entitled "An Act to amend section one thousand one hundred and ten of an Act entitled an Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the party seduced to be corroborated in all cases arising or prosecuted under the provisions of section two hundred and sixty-eight of said Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

#### ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bills Nos. 250, 251, 252, and 256—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 257—and respectfully report the same back, and recommend that it do pass, as amended.

CAMINETTI, Chairman.

#### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 119—relating to barbed wire fences along public highways—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 43—Entitled an Act for the protection of persons and animals on the public highways of this State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HINSHAW, Chairman.

#### ON STATE PRISON.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on State Prison, to whom was referred Senate Bill No. 274, making appropriations for the erection and for improvements at State Prison at San Quentin—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

#### ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 36—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled an Act to define, regulate, and govern the State Prisons of California—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Agriculture.

Also, Senate Bill No. 161—An Act to amend section twenty-one of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April 15, 1880—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Agriculture.

Also, Senate Bill No. 270—An Act to amend an Act entitled an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885, and making an additional appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

JONES, Chairman.

Senate Bills Nos. 36 and 161 referred to Committee on Agriculture.

#### REPORT OF SELECT COMMITTEE.

##### ON MONUMENTS.

SENATE CHAMBER, SACRAMENTO, February 2, 1887.

MR. PRESIDENT: Your Select Committee on Monuments, to whom was referred Senate Bill No. 220—Entitled an Act to appropriate moneys to aid in erecting a monument, to Commodore John D. Sloat, and to prescribe the duties of the Controller in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the following amendment thereto: Strike out the word "twenty," on line fifteen, page one, of said bill.

Also, Senate Bill No. 263—Entitled an Act to appropriate moneys to aid in erecting a monument to James W. Marshall, and to prescribe the duties of the Controller and State Board of Examiners in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

MOFFITT, Chairman.

#### SPECIAL ORDERS.

Mr. Hinshaw moved that the notice given by Mr. Yell, on yesterday, "that he would move a reconsideration of the vote by which Mr. Rose's amendment to Senate Bill No. 42 was concurred in by the Senate," and the consideration of said motion, be made the special order on to-morrow, immediately after the reading of the Journal.

So ordered.

Mr. White moved that the notice of motion to reconsider the vote whereby Senate Bill No. 20 was passed (also given by Mr. Yell), and the consideration of such motion, be made the second special order on to-morrow.

So ordered.

Mr. Boggs moved to take up Assembly message.

So ordered.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 119—An Act to amend section five hundred and fourteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the salary of the deputy for the Superintendent of Public Instruction, and equalizing the same with the salaries paid the deputies for other State officers.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

On motion of Mr. Boggs, Assembly Bill No. 119 was referred to the Committee on Finance.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Goucher:

*Resolved*, That the State Printer is requested and authorized to print three hundred copies of Senate Bill No. 51, with the amendments made by the Committee on Mines, Drainage, and Mining Debris.

Adopted.

#### MOTION.

Mr. Wilson moved that Senate Bill No. 58—An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine, and six hundred and thirty of the Political Code of the State, all of said sections relating to insurance—be made the special order on Monday next, at two o'clock and thirty minutes P. M.

So ordered.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Clunie (by request): Senate Bill No. 295—An Act entitled an Act to amend Article XV of the Political Code of the State of California, relating to the inspection of gas and water meters, in cities, or cities and counties, of the State of California, having a population of twenty thousand and upward.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 296—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf, Dumb, and Blind Asylum.

Referred to Committee on Hospitals.

By Mr. Gesford: Senate Bill No. 297—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to opium smoking.

Referred to Committee on Public Morals.

By Mr. White: Senate Bill No. 298—An Act to amend section seventy-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time when and place where sessions of the Superior Court shall be held.

Referred to Committee on Judiciary.

By Mr. Sullivan: Senate Bill No. 299—An Act entitled an Act providing for the prevention of conflagrations and the protection of property saved from fire, in all cities, or cities and counties, whose population exceeds one hundred thousand inhabitants.

Referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 300—An Act relating to interest.

Referred to Committee on Judiciary.

Also, Senate Bill No. 301—An Act to amend sections three hundred and thirty-nine and three hundred and forty-one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning pawnbrokers, their duties and liabilities.

Referred to Committee on Judiciary.

By Mr. Dixon (by request): Senate Bill No. 302—An Act for the remuneration of Elisha O. Crosby for money advanced to and for the State of California.

Referred to Committee on Claims.

By Mr. Meany: Senate Bill No. 303—An Act for the relief of the heirs of the estate of George Horton, deceased, Maria Horton, administratrix, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, State of California.

Referred to Committee on Claims.

Also, Senate Bill No. 304—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Referred to Committee on Yosemite Valley, Mariposa Big Tree Grove, and Forestry.

By Mr. McCarthy (by request): Senate Bill No. 305—An Act for the relief of Esther H. Dennis.

Referred to Committee on Claims.

By Mr. Caminetti: Senate Bill No. 306—An Act to amend sections ten and eleven of the Political Code, relative to legal holidays.

Referred to Committee on Judiciary.

By Mr. Yell: Senate Bill No. 307—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of

creditors, and for the punishment of fraudulent debtors." approved April 16, 1880.

Referred to Committee on Judiciary.

By Mr. Jones: Senate Bill No. 308—An Act to repeal an Act entitled "An Act concerning corporations and persons engaged in the business of banking," approved April 1, 1876, relating to banking corporations.

Referred to Committee on Banks and Banking.

By Mr. Wilson: Senate Bill No. 309—An Act to amend section two hundred and two of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to jurors.

Referred to Committee on Judiciary.

#### ADJOURNMENT.

Thereupon, at five o'clock and thirty-five minutes P. M., on motion of Mr. Goucher, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER.

Friday, February 4, 1887. }

Senate met pursuant to adjournment.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Burnes, Caminetti, Chandler, Cumie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

#### FIRST SPECIAL ORDER.

Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

On the motion of Mr. Yell to reconsider the vote whereby Senate Bill No. 20 was passed, the ayes and noes were demanded by Messrs. Yell, Meany, and Hinshaw, and the motion to reconsider was lost by the following vote:

AYES—Messrs. Caminetti, Vrooman, Walrath, White, Wilson, and Yell—6.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Burnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Patterson, Rose, Roth, Sargent, Spellacy, Steele, and Sullivan—29.



## SECOND SPECIAL ORDER.

Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

On the motion of Mr. Abbott to reconsider the vote whereby Senate Bill No. 42 was ordered engrossed, the ayes and noes were demanded by Messrs. Abbott, Wilson, and Hinshaw, and the motion to reconsider was lost by the following vote :

AYES—Messrs. Abbott, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dray, Gesford, Haynes, Hinshaw, Langford, Roth, Sargent, and Yell—14.

NOES—Messrs. Bowers, Byrnes, Clunie, Conklin, Dixon, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Rose, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—23.

## MOTION.

On motion of Mr. Goucher, Assembly message, as follows, was taken up out of order.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 267—An Act to appropriate money to pay the contingent expenses of the Senate for the twenty-seventh session of the Legislature.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

## PETITIONS.

A petition, via the U. S. mail, was received from C. C. Stratton, H. H. Howe, and other residents at the University of the Pacific, in favor of the enactment of a Sunday law.

Referred to Committee on Public Morals.

## REPORTS OF STANDING COMMITTEES.

## ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 144—Entitled "An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 89—Entitled an Act to appropriate money for the support of the California Home for the Care and Training of Feeble-Minded Children, from the first day of January, 1887, to the first day of July, 1887—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Finance Committee.

Senate Bill No. 89 referred to Committee on Finance.

Also, Senate Bill No. 164—Entitled an Act to provide for the painting of State buildings located at Sacramento, and to provide money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McCUDDEN, Chairman.

## ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 4, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 84—An Act to amend an Act entitled "An Act to pro-

vide for the organization, incorporation, and government of municipal corporations," approved March 13, 1873, relative to the powers of the Board of Trustees of cities of the fifth class.

Also, Senate Bill No. 222—An Act to confine the power to impose license taxes in incorporated cities and towns other than consolidated cities and counties, to the corporate authorities of such cities and towns.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 4, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 119—An Act to amend section five hundred and fourteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the salary of the deputy for the Superintendent of Public Instruction, and equalizing the same with the salaries paid the deputies for other State officers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.  
HENRY VROOMAN.  
F. R. DRAY.  
J. M. BOGGS.

#### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February —, 1887.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 215—An Act to prevent and punish fraud in regard to the kind of labor employed in the manufacture of cigars, boots and shoes, clothing, and other goods, and in the raising, handling, packing, and preserving of agricultural and animal products, and in other industries—have had the same under consideration, and respectfully report the same back, without recommendation.

BOGGS, Chairman.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 94—Entitled an Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that said substitute do pass.

Also, Senate Bill No. 95—Entitled an Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing certain corporations to act as executor and in other capacities—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that said substitute do pass.

Also, Senate Bill No. 93—An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code in relation to insurance," approved April 1, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 127—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOUCHER, Chairman.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 304—Entitled an Act to amend sections ten and eleven of the Political Code, relative to legal holidays—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 259—Entitled an Act to amend section one thousand four hundred and thirty-one of an Act entitled an Act to establish a Penal Code of the State of California, approved February 14, 1872, relating to change of place of trial in Justices' Courts— and recommend that it do pass.

Also, Senate Bill No. 122—Entitled an Act to add a new section to the Political Code, to be known as section three thousand three hundred and forty-six, relating to the power of Boards of Supervisors of any city and county, or city or town, having a population of one hundred thousand or more people, in this State, to make annual appropriations for the

purpose of keeping in order burial grounds exclusively devoted to the interment of the deceased members of any organized order of exempt firemen therein—and recommend that it do pass.

Also, Senate Bill No. 209—Entitled an Act to provide for the recording of conditional bills of sale—have had the same under consideration, and respectfully report the same back, together with a substitute therefor, and recommend the adoption of the same, and the passage of the substitute.

CLUNIE, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 4, relative to the reduction of duty on raisins.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MARSTON, Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. Goucher (by request): Senate Bill No. 310—An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.

Referred to Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

Also (by request): Senate Bill No. 311—An Act to aid the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, and to appropriate money therefor.

Referred to Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

Also (by request): Senate Bill No. 312—An Act to provide a water supply for the hotel constructed in Yosemite Valley, under Act of March 9, 1885, and to appropriate money therefor.

Referred to Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

Also (by request): Senate Bill No. 313—An Act prescribing the power, duties, and rights of corporations, companies, associations, or persons furnishing water to any city and county, city or town, or to the inhabitants thereof, and to regulate water rates.

Referred to Committee on Corporations.

By Mr. Lenahan (by request): Senate Bill No. 314—An Act to amend section five hundred and two of the Penal Code.

Referred to Committee on Judiciary.

By Mr. McCarthy (by request): Senate Bill No. 315—An Act providing for the payment to John L. Cooke and William Gutenberger, for work and labor performed upon and materials furnished in the construction of the Branch State Prison at Folsom.

Referred to Committee on Claims.

By Mr. Hinshaw (by request): Senate Bill No. 316—An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by adding thereto a new section, to be known as section two thousand five hundred and fifty-four, relating to the powers and duties of the Board of State Harbor Commissioners.

Referred to Committee on Commerce and Navigation.

By Mr. Meany (by request): Senate Bill No. 317—Act to estab-

lish a State Board of Charities and Reform, to prescribe the duties thereof, and to provide for their compensation and expenses.

Referred to Committee on Hospitals.

By Mr. Dray: Senate Bill No. 318—An Act to provide a Contingent Fund for the Assembly, for the twenty-seventh session of the Legislature.

Referred to Committee on Finance.

By Mr. Goucher: Senate Bill No. 319—An Act to provide a water supply for the hotel constructed in Yosemite Valley under Act of March 9, 1885, and to appropriate money therefor.

Referred to Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

#### MOTION.

Mr. Wilson moved, that when the Senate adjourns to-day, it adjourn until Monday next, at two o'clock and thirty minutes p. m.

Mr. Goucher in the chair.

Pending the consideration of the motion to adjourn until Monday next, Mr. Wilson withdrew his motion before stated.

#### RECESS.

The hour for recess having arrived, the Chair declared a recess.

#### REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messes. Abbott, Byrnes, Caminetti, Chandler, Conklin, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell.

Quorum present.

Mr. Moffitt moved to take up Governor's message.

So ordered.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, CAL., February 4, 1887.

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day nominated and appointed the following named gentlemen Pilot Commissioners for the Ports of San Francisco, Mare Island, Benicia, and Vallejo, and respectfully ask that the Senate consent to the same, to wit: Philip Caduc, of the City and County of San Francisco, vice self; A. C. Freese, of the City and County of San Francisco, vice H. H. Watson; Martin Bulger, of the City and County of San Francisco, vice H. G. Williams.

WASHINGTON BARTLETT, Governor.

Mr. Moffitt moved that the message from the Governor, informing the Senate of appointments to the office of Pilot Commissioners for the Port of San Francisco, be made the special order on Monday next, immediately after the disposition of the special order already set for that day.



Mr. Murphy moved, as an amendment to Mr. Moffitt's motion, that the Governor's message alluded to be considered at this time.

Amendment accepted, and the consideration of the Governor's message proceeded with.

Upon the question, "Will the Senate advise and consent to the appointment of Philip Cadue, of San Francisco, as Pilot Commissioner for the Port of San Francisco, vice self?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—30.

NOES—None.

Whereupon, the President announced the appointment of Philip Cadue as Pilot Commissioner, as aforesaid, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of A. C. Freese, of San Francisco, as Pilot Commissioner for the Port of San Francisco, vice H. H. Watson?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, and Yell—29.

NOES—None.

Whereupon, the President announced the appointment of A. C. Freese as Pilot Commissioner, as aforesaid, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Martin Bulger, of San Francisco, as Pilot Commissioner, vice H. G. Williams?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Steele, Vrooman, White, and Yell—27.

NOES—None.

Whereupon, the President announced the appointment of Martin Bulger as Pilot Commissioner, as aforesaid, duly confirmed.

#### SPECIAL FILE—SECOND READING OF BILLS.

Senate Bill No. 48—An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 66 (by request)—An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election November 2, 1886.

Passed on file.

Senate Bill No. 197—An Act to propose an amendment to section seven (7), of article nine (IX), of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

Read second time, ordered engrossed, and to a third reading.

## SPECIAL FILE—(FIRST READING OF BILLS).

Senate Bill No. 30—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 70—An Act to establish an asylum for insane criminals of the State of California.

Also, Senate Bill No. 106—An Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

Also, Senate Bill No. 243—An Act to provide for an improvement of the State Capitol, and for an appropriation therefor.

Severally read first time.

Senate Bill No. 103—An Act to enlarge the State Library by purchase, and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase.

Passed on file.

Senate Bill No. 105—An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Also, Senate Bill No. 140—A bill for an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Also, Senate Bill No. 163—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year.

Also, Senate Bill No. 207—An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

Also, Senate Bill No. 190—An Act appropriating the sum of forty thousand dollars to erect two buildings for the purpose of furnishing dormitories and dining-rooms for the male and the female adult blind inmates at the Home for the Adult Blind.

Severally read first time.

## LEAVE OF ABSENCE.

Mr. Conklin asked and obtained leave of absence until Monday next, for the Committee on Hospitals.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

DIXON, Chairman.

## SPECIAL FILE—FIRST READING OF BILLS—(RESUMED).

Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable

property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also, Senate Bill No. 192—An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.

Severally read first time, and substitutes for said Senate Bills Nos. 191 and 192 ordered printed.

Senate Bill No. 4—An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor.

Also, Senate Bill No. 170—An Act to amend section six hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to the compensation of Fish Commissioners.

Severally read first time.

Mr. Gesford moved to take up, out of order, message from the Governor.

So ordered.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, {  
SACRAMENTO, CAL., February 4, 1887. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day nominated and appointed J. W. B. Montgomery Brigadier-General of the Fifth Brigade of the National Guard of California, vice Charles Cadwalader, and respectfully ask that the Senate consent to the same.

WASHINGTON BARTLETT, Governor.

Mr. Jones moved the consideration of the Governor's message, just read, at this time.

So ordered.

Upon the question, "Will the Senate advise and consent to the appointment of J. W. B. Montgomery, as Brigadier-General of the Fifth Brigade of the National Guard of California, vice Charles Cadwalader?"

The roll was called, with the following result:

AYES—Messrs. Bowers, Caminetti, Chandler, Conklin, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McDonald, Meany, Murphy, Patterson, Pinder, Ross, Roth, Sargent, Steele, Vrooman, Walrath, White, and Yell—26.

NOES—None.

Whereupon, the President announced the appointment of J. W. B. Montgomery as Brigadier-General, as aforesaid, duly confirmed.

Mr. Goucher moved that the substitute to Senate Bill 232, reported by the committee, be printed.

So ordered.

#### SPECIAL FILE—FIRST READING OF BILLS—(RESUMED).

Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Also, Senate Bill No. 168—An Act to propose an amendment to section two, of Article IV, of the Constitution of the State of California.

Also, Senate Bill No. 138—An Act to amend section twelve, of Article XIII, of the Constitution.

Severally read first time.

Senate Bill No. 126—An Act to propose an amendment to section one, of Article XIII, of the Constitution, relating to revenue and taxation.

At the request of Mr. Conklin, withdrawn.

Senate Bill No. 230—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relating to revenue and taxation.

At the request of Mr. Lenahan, withdrawn.

Senate Bill No. 139—An Act to amend section one, of Article XIII, of the Constitution.

At the request of Mr. Dray, withdrawn.

Senate Bill No. 274—An Act making appropriations for the erection of buildings, and for other improvements at the State Prison at San Quentin.

Also, Senate Bill No. 270—An Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Severally read first time.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 4, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 5—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GESFORD, Chairman.

On motion of Mr. Caminetti, Senate Concurrent Resolution No. 5 was adopted.

#### GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 22—An Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Passed on file.

Senate Bill No. 102—An Act to amend sections number one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McDonald, Meany, Moffitt, Murphy, Patterson, Roth, Sargent, Steele, Vrooman, and White—24.

NOES—None.

Title read and approved.



## GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 28—An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California.

Passed on file.

Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Read second time, and passed on file.

Senate Bill No. 47—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and seventy-three.

Passed on file.

Mr. Jones moved to pass second reading of bills on General File, and that the consideration of first reading of bills on General File, be proceeded with.

So ordered.

At the request of Mr. Moffitt, Senate Bill No. 33—An Act to amend section three hundred and sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to the acquisition and holding of real property by corporations, and the distribution thereof to stockholders—was withdrawn.

## CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Chandler moved to take up, out of order, Senate Bill No. 107—An Act to provide an additional Judge of the Superior Court of Tulare County.

So ordered.

## FIRST READING OF BILL.

Senate Bill No. 107 read first time.

## NOTICE.

Mr. Vrooman gave notice that, after to-day, he would insist upon the regular order of business being observed and carried out in the transaction of the business coming up before the Senate.

## GENERAL FILE—FIRST READING OF BILLS—(RESUMED).

Senate Bill No. 123—An Act providing for the payment of the expenses of witnesses in criminal cases amounting to felony.

Also, Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine.

Also, Senate Bill No. 65—An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven, of the same Code, authorizing and regulating actions against the State of California.

Also, Senate Bill No. 32—An Act to amend section one hundred and twenty-six of "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Severally read first time.

Senate Bill No. 35—An Act to regulate the employment of gripmen, conductors, and drivers on street railways; to provide for granting licenses to competent persons, and to provide further safeguards to life and property in the matter of operating such railways.

Passed on file.

Senate Bill No. 116—An Act to add section five hundred and thirty-nine to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy.

Read first time, and, on motion of Mr. McDonald, made the second special order on Tuesday next.

Mr. Caminetti moved to pass the further consideration of the first reading of bills on the General File, and that the order of business, "Introduction of Bills," be now taken up.

So ordered.

#### REPORT OF STANDING COMMITTEE.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February —, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 257—Entitled an Act to appropriate money to pay the contingent expenses of the Senate, for the twenty-seventh session of the Legislature.

ROTH, Chairman.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

Bills were introduced, read by title, and referred as follows:

By Mr. Gesford (by request): Senate Bill No. 320—An Act to amend an Act entitled an Act to protect public health from infection caused by exhumation and removal of remains of deceased persons.

Referred to Committee on Hospitals.

By Mr. Roth: Senate Bill No. 321—An Act to amend an Act, approved March 14, 1885, entitled an Act to amend section one hundred and sixty-four of an Act to establish a uniform system of county and township governments, approved March 14, 1883.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Pinder (by request): Senate Bill No. 322—An Act to amend sections six hundred and twenty-eight, six hundred and thirty, and six hundred and thirty-one of the Civil Code, relating to the incorporation of gas companies.

Referred to Committee on Corporations.

By Mr. Caminetti: Senate Bill No. 323—An Act to amend sections one hundred and eighty-one and one hundred and ninety of an Act to establish a uniform system of county and township governments, approved March 14, 1883, amended March 18, 1885, in relation to Assessors and Deputy Assessors, and providing compensation for such Deputy Assessors in counties of the nineteenth and twenty-eighth classes.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Meany: Senate Bill No. 324—An Act proposing an amendment to section one, Article XIII, of the Constitution of California, with reference to the exemption of certain property from taxation.

Referred to Committee on Constitutional Amendments.

#### MOTION.

Mr. Moffitt moved that when the Senate adjourns to-day it adjourn until Monday next, at two o'clock and thirty minutes P. M.

The ayes and noes were demanded by Messrs. Caminetti, Dixon, and Bowers, and the motion to adjourn (involving a suspension of Standing Rule 35), was lost by the following vote:

AYES—Messrs. Byrnes, Crimmins, Dray, Gesford, Goucher, Hall, Lenahan, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Vrooman, Walrath, and Yell—17.

NOES—Messrs. Bowers, Caminetti, Chandler, Conklin, Dixon, Haynes, Hinshaw, Jones, Rose, Sargent, Steele, and White—12.

The motion to adjourn not receiving a three-fifth vote.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Meany:

*Resolved*, That Luke Kavanaugh be and he is hereby allowed the sum of twenty dollars and eighty cents, payable out of the Contingent Fund of the Senate, for services rendered the Committee on Claims, as shorthand reporter, in taking and transcribing testimony before said committee, and the Controller is hereby directed to draw his warrant for the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

*Resolved*, That the sum of one hundred and thirty-nine dollars and ten cents be appropriated out of the Contingent Fund of the Senate to pay J. C. Mulligan for services rendered in reporting and transcribing evidence taken before the Committee on Claims, as per bill annexed, and the Controller is hereby directed to draw his warrant for the same.

SACRAMENTO, February 2, 1887.

STATE OF CALIFORNIA TO J. C. MULLIGAN, DR.

January 22 and 31, and February 1, to taking down testimony before Senate Committee on Claims: Three days, at \$10 per day.....	\$30 00
To transcribing testimony in Telegraph Hill claim, 100 folios, at 20 cents.....	38 00
To transcribing testimony, claim of D. Jordan, 296 folios, at 20 cents.....	59 20
To transcribing testimony, claim of Mrs. Eliza Koehler, 60 folios, at 20 cents.....	12 00
Total.....	\$139 20

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### LEAVE OF ABSENCE.

Mr. Goucher was, at his request, granted leave of absence for to-morrow.

#### MOTION TO ADJOURN.

Mr. Murphy moved that the Senate adjourn until Monday next, at two o'clock P. M.

Mr. Goucher in the chair.

Mr. Caminetti moved to amend, by striking out the words "Monday next, at two o'clock P. M.," and substituting therefor the words "to-morrow, at eleven o'clock A. M."

On the adoption of Mr. Caminetti's amendment, the ayes and noes were demanded by Messrs. White, Bowers, and Jones, and the amendment was lost by the following vote:

AYES—Messrs. Bowers, Caminetti, Chandler, Conklin, Dixon, Hall, Haynes, Hinshaw, Jones, Rose, Sargent, Steele, and White—13.

NOES—Messrs. Byrnes, Crimmins, Dray, Gesford, Goucher, Lenahan, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Vrooman, Walrath, and Yell—16.

Mr. Jones moved, as an amendment, that the Senate adjourn until to-morrow, at eleven o'clock A. M.

Mr. Vrooman moved, as an amendment to the amendment, that the Senate adjourn until Monday next, at two o'clock and thirty minutes P. M.

On the adoption of Mr. Vrooman's motion, the ayes and noes were demanded by Messrs. Caminetti, White, and Bowers, with the following result:

AYES—Messrs. Bowers, Caminetti, Chandler, Conklin, Dixon, Hall, Haynes, Hinshaw, Jones, Rose, Steele, and White—12.

NOES—Messrs. Byrnes, Crimmins, Dray, Gesford, Goucher, Lenahan, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Vrooman, Walrath, and Yell—17.

Mr. White moved to adjourn.

Mr. Murphy moved, as an amendment, that the Senate adjourn until Monday next, at one o'clock and thirty minutes P. M.

Mr. Walrath moved, as an amendment to the amendment, that the Senate take a recess until this P. M., at seven o'clock.

The question being on the adoption of the amendment to the amendment offered by Mr. Walrath, the ayes and noes were demanded by Messrs. Vrooman, White, and Bowers, and the amendment to the amendment was lost by the following vote:

AYES—Messrs. Bowers, Byrnes, Conklin, Crimmins, Dixon, Gesford, Hall, Jones, Meany, Pinder, Rose, and White—12.

NOES—Messrs. Caminetti, Chandler, Dray, Goucher, Haynes, Hinshaw, Lenahan, McDonald, Murphy, Patterson, Roth, Sargent, Steele, Vrooman, Walrath, and Yell—16.

On the amendment offered by Mr. Murphy, the ayes and noes were demanded by Messrs. White, Bowers, and Caminetti, with the following result:

AYES—Messrs. Byrnes, Chandler, Crimmins, Dray, Gesford, Goucher, Lenahan, McDonald, Meany, Murphy, Patterson, Roth, Sargent, Vrooman, Walrath, and Yell—16.

NOES—Messrs. Bowers, Caminetti, Conklin, Dixon, Hall, Haynes, Hinshaw, Jones, Pinder, Rose, Steele, and White—12.

The amendment was declared lost, the same not having received a three-fifths vote.

Mr. Vrooman moved, as an amendment to Mr. White's motion, that the Senate adjourn until Monday next, at two o'clock and thirty minutes P. M.

Mr. White moved, as an amendment to the amendment, that the Senate adjourn until seven o'clock and thirty minutes this evening.

The ayes and noes were demanded by Messrs. Vrooman, Murphy,



and White, and the amendment to the amendment was lost by the following vote:

AYES—Messrs. Bowers, Caminetti, Dixon, Goucher, Hall, Jones, Pinder, Rose, Sargent, and White—10.

NOES—Messrs. Byrnes, Chandler, Crimmins, Dray, Haynes, Hinshaw, Lenahan, McDonald, Meany, Murphy, Patterson, Roth, Steele, Vrooman, Walrath, and Yell—16.

The question recurring on Mr. Vrooman's amendment, the ayes and noes were demanded by Messrs. White, Caminetti, and Bowers, with the following result:

AYES—Messrs. Byrnes, Chandler, Crimmins, Dray, Gesford, Lenahan, McDonald, Meany, Murphy, Patterson, Roth, Sargent, Vrooman, Walrath, and Yell—15.

NOES—Messrs. Bowers, Caminetti, Conklin, Dixon, Goucher, Hall, Haynes, Hinshaw, Jones, Pinder, Rose, Steele, and White—13.

The amendment was declared lost, the same not having received a three-fifths vote.

Mr. Vrooman moved, as an amendment, that the Senate adjourn until one o'clock and thirty minutes P. M. to-morrow.

The ayes and noes were demanded by Messrs. Pinder, Vrooman, and Yell, and the amendment was lost by the following vote:

AYES—Messrs. Bowers, Dixon, Gesford, Jones, Lenahan, McDonald, Meany, Pinder, Rose, Sargent, Walrath, White, and Yell—13.

NOES—Messrs. Byrnes, Caminetti, Chandler, Crimmins, Dray, Goucher, Hall, Haynes, Hinshaw, Murphy, Patterson, Roth, Steele, and Vrooman—14.

Mr. Vrooman then offered, as an amendment, a renewal of the motion that the Senate adjourn until Monday next, at two o'clock and thirty minutes P. M.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Vrooman, Yell, and Pinder, with the following result:

AYES—Messrs. Byrnes, Chandler, Crimmins, Dray, Gesford, Lenahan, McDonald, Meany, Murphy, Roth, Sargent, Vrooman, Walrath, and Yell—14.

NOES—Messrs. Bowers, Caminetti, Dixon, Goucher, Hall, Haynes, Hinshaw, Jones, Patterson, Pinder, Rose, Steele, and White—13.

The Chair declared the amendment lost, the same involving a suspension of Rule 35 of the Senate's Standing Rules, and not having received the requisite three-fifths vote.

Mr. Vrooman appealed from the ruling of the Chair.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Yell, Caminetti, and White, and the Chair was sustained by the following vote:

AYES—Messrs. Bowers, Caminetti, Chandler, Dixon, Gesford, Hinshaw, Jones, McDonald, Meany, Patterson, Pinder, Rose, Roth, Sargent, Steele, White, and Yell—17.

NOES—Messrs. Byrnes, Crimmins, Dray, Hall, Haynes, Lenahan, Murphy, Vrooman, and Walrath—9.

Mr. Vrooman further moved, as an amendment to Mr. White's motion, that the Senate adjourn until Monday next, at two o'clock and twenty minutes P. M.

Mr. Jones moved, as a substitute for said last mentioned amend-

ment, offered by Mr. Vrooman, that the Senate take a recess until seven o'clock and thirty minutes this P. M.

The question being on the adoption of Mr. Jones' substitute, the ayes and noes were demanded by Messrs. White, Bowers, and Caminetti, and the substitute was lost by the following vote:

AYES—Messrs. Bowers, Caminetti, Chandler, Dixon, Gesford, Haynes, Jones, Pinder, Rose, Roth, Sargent, White, and Yell—13.

NOES—Messrs. Byrnes, Crimmins, Dray, Goucher, Hall, Hinshaw, Lenahan, McDonald, Meany, Murphy, Patterson, Steele, Vrooman, and Walrath—14.

The question recurring on Mr. Vrooman's amendment, the ayes and noes were demanded by Messrs. Caminetti, Bowers, and Dixon, with the following result:

AYES—Messrs. Byrnes, Chandler, Crimmins, Dray, Goucher, Hall, Lenahan, McDonald, Meany, Murphy, Pinder, Roth, Vrooman, and Walrath—14.

NOES—Messrs. Bowers, Caminetti, Dixon, Gesford, Haynes, Hinshaw, Jones, Patterson, Rose, Sargent, Steele, White, and Yell—13.

The amendment was declared lost, the same not having received a three-fifths vote.

On Mr. White's motion, "that the Senate adjourn," the ayes and noes were demanded by Messrs. White, Meany, and Bowers, and the motion prevailed by the following vote:

AYES—Messrs. Bowers, Caminetti, Chandler, Dixon, Goucher, Haynes, Hinshaw, Jones, Pinder, Rose, Sargent, Steele, White, and Yell—14.

NOES—Messrs. Byrnes, Crimmins, Dray, Gesford, Hall, Lenahan, McDonald, Meany, Murphy, Patterson, Roth, Vrooman, and Walrath—13.

#### ADJOURNMENT.

Thereupon, at five o'clock and forty-five minutes P. M., the Senate stood adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Saturday, February 5, 1887. }

Senate met pursuant to adjournment.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. BOWERS, CAMINETTI, CHANDLER, CONKLIN, DIXON, DRAY, GESFORD, HAYNES, HINSHAW, JONES, PATTERSON, ROTH, STEELE, WALRATH, and WHITE.

There not being a quorum present, only fifteen Senators having answered to their names on roll call.

#### RECESS.

At eleven o'clock and fifteen minutes A. M., on motion of Mr. Bowers, the Senators in attendance took a recess until twelve o'clock M.

## REASSEMBLED.

At twelve o'clock M. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Caminetti, Chandler, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, McDonald, Sargent, Steele, Walrath, White, and Yell.

There not being a quorum present, only fifteen Senators responding to their names on roll call.

## ADJOURNMENT.

At twelve o'clock and ten minutes P. M., by announcement of the President pro tem., no objection thereto, the Senate adjourned until Monday, the seventh instant, at two o'clock and thirty minutes P. M.

## IN SENATE.

SENATE CHAMBER,

Monday, February 7, 1887. }

Senate met pursuant to adjournment.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, Meany, Moffitt, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journals of Friday and Saturday, February fourth and fifth, read and approved.

## SPECIAL ORDER.

Senate Bill No. 58—An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine, and six hundred and thirty of the Political Code of the State, all of said sections relating to insurance. (By request.)

Read first time.

## SPECIAL FILE—THIRD READING.

Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

On motion of Mr. Goucher, made special order for Wednesday next, at two o'clock P. M.

## LEAVE OF ABSENCE.

Messrs. Abbott and McCudden were each granted two days' leave of absence.

Messrs. Rose and Clunie were each granted one day's leave of absence.

## REPORTS OF STANDING COMMITTEES.

## ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 289—An Act to amend sections one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, and one thousand one hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to uniformity of tickets—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

## ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 323—An Act to amend sections one hundred and eighty-one and one hundred and ninety of an Act to establish a uniform system of county and township governments, approved March 14, 1883, amended March 18, 1885, in relation to Assessors and Deputy Assessors, and providing compensation for such Deputy Assessors in counties of the nineteenth and twenty-eighth classes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 287—An Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

F. J. MOFFITT, Chairman.

S. M. WHITE.

B. F. LANGFORD.

HENRY VROOMAN.

W. H. PATTERSON.

J. M. BOGGS.

F. R. DRAY.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 281—Entitled "An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged, or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 193—Entitled "An Act to amend section two hundred and sixty-one of an Act entitled an Act to establish a Penal Code," approved February 14, 1872, relating to the crime of rape—and recommend that it do pass, as amended.

Also, Senate Bill No. 232—Entitled "An Act to provide one additional Judge of the Superior Court of the County of Fresno, State of California," with a substitute therefor—and recommend the adoption of the substitute, and the passage of the same.

Also, Assembly Bill No. 78—Entitled "An Act to provide an additional Judge of the Superior Court of the County of San Bernardino"—and recommend that it do pass.

Also, Senate Bill No. 8—Entitled "An Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by adding thereto a new section, numbered one hundred and eighty, for the punishment of contempt of Court"—and recommend that it do not pass.

Also, Senate Bill No. 31—Entitled "An Act to amend section three thousand seven hundred and seventy-seven of the Act entitled an Act to establish a Political Code, approved March 12, 1872"—and recommend that it do pass, as amended.

Also, Senate Bill No. 115—Entitled "An Act entitled an Act to prevent running, caping, and soliciting for attorneys at law in or around Police Courts, Police Judges' Courts,



city prisons, or Superior Courts, in any county, or incorporated city, or cities and counties"—and recommend that it do pass, as amended.

Also, Senate Bill No. 148—Entitled "An Act to amend section twenty-two of an Act entitled an Act to establish the California Home for the Care and Training of Feeble-Minded Children, and provide for the maintenance of the same," approved March 18, 1885—and recommend that it be referred to the Committee on Hospitals.

Also, Senate Bill No. 125—Entitled "An Act to add two new sections, namely, sections one thousand and thirty-nine and one thousand and forty, to Chapter VI, Title VI, of Part II, of the Penal Code of California, relating to the removal of criminal actions, and to provide for obtaining a jury from an adjoining county, in lieu of such removal, in certain cases"—and recommend that it do pass.

Also, Senate Bill No. 248—Entitled "An Act to amend section one hundred and ninety-eight of an Act to establish a Code of Civil Procedure," approved March 18, 1872, in relation to the qualification of jurors—and recommend that it do pass.

Also, Senate Bill No. 255—Entitled "An Act to amend section one thousand four hundred and twenty-two of an Act entitled an Act to establish a Penal Code," approved February 14, 1872, regarding reprieves, commutations, and pardons, and to more effectively regulate the procedure relating thereto—and recommend that it do pass.

Also, Senate Bill No. 258—Entitled an Act to add a new section, to be numbered four hundred and twenty-five, to and to amend section four hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872—and recommend that it do pass, as amended.

Also, Senate Bill No. 223—Entitled "An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, by amending section one thousand two hundred and eighteen thereof, relating to and concerning contempts of Court and the punishment thereof"—and recommend that it do pass, as amended.

WHITE, Acting Chairman.

Senate Bill No. 148, above reported, was referred to Committee on State Hospitals.

Senate Bill No. 15, above reported, was on motion of Mr. Bowers, withdrawn from the Senate file, and Assembly Bill No. 78 substituted therefor.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: Your Committee on Education, to whom were referred Senate Bills Nos. 238 and 264—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bills Nos. 237 and 239—and recommend that they do pass, as amended.

GESFORD, Chairman.

#### PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 297—Entitled an Act to amend section three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to opium smoking—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAYNES, Chairman.

#### ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Chairman of the Committee on Claims be empowered to employ a shorthand reporter, and have all testimony transcribed at all the meetings of said committee, to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the following substitute, and recommend its adoption:

*Resolved*, That the Committee on Claims be and it is hereby authorized to employ a stenographer, when in the opinion of the committee his services may be necessary to preserve the testimony taken in connection with bills before the committee.

PATTERSON, Acting Chairman.

On the substitute resolution reported by the committee, the roll was called, and the resolution reported by the committee was adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, and White—30.

NOES—Messrs. Langford, Pinder, Sullivan, and Yell—4.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the mileage account of the Committee on Public Buildings, beg leave to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the following senators, members of the Committee on Public Buildings, who are entitled to the mileage named, for visiting public institutions: Senator Langford, nine dollars and forty cents; Senators McCusker, Meany, Abbott, McCarthy, Pinder, and Clerk Ryan, thirty-nine dollars and forty cents each, they having traveled a distance of three hundred and ninety-four miles.

PATTERSON, Acting Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Gesford, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Patterson, Roth, Sargent, Spellacy, Walrath, and Yell—22.

NOES—Messrs. Byrnes, Dray, Goucher, Jones, Langford, Meany, Moffitt, Pinder, Steele, Sullivan, Vrooman, and White—12.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Controller of the State be and he is hereby authorized and directed to draw his warrant in favor of J. M. Briceland, for mileage account of Senate Committee on Hospitals, for the sum of one hundred and eighteen dollars and eighty cents, as per statement: Senators Meany, McCarthy, Crandall, Patterson, and Briceland, and for the clerk of the committee, each from Sacramento to San Francisco and return, one hundred and sixty-eight miles, sixteen dollars and eighty cents each; from San Francisco to the San Francisco Roman Catholic Orphan Asylum, St. Joseph's Infant Orphan Asylum, San Francisco Protestant Orphan Asylum, Pacific Hebrew Orphan Asylum, and the Ladies' Protective and Relief Society, twenty miles, two dollars each; and Senators Crandall and Briceland, and clerk of committee, Oakland to Berkeley and return, twenty miles, two dollars each.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PATTERSON, Acting Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—Messrs. Pinder and Sullivan—2.

#### LEAVE OF ABSENCE.

Mr. Conklin was, at his request, granted leave of absence for the remainder of the day.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of F. J. Moffitt, for mileage account of Senate Committee on City, City and County, and Town Government, for the sum of ninety-one dollars, as per statement herewith:

	Miles.	Amount.
Senator Geo. G. Goucher—To Oakland and return.....	182	\$18 20
Senator S. M. White—To Oakland and return.....	182	18 20
Senator J. D. Byrnes—To Oakland and return.....	182	18 20
Senator F. J. Moffitt—To Oakland and return.....	182	18 20
Clerk L. E. Chartrand—To Oakland and return.....	182	18 20
Total.....	910	\$91 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PATTERSON, Acting Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, Meany, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, Wilson, and Yell—30.

NOES—Messrs. McDonald, Sullivan, and White—3.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That G. Huddleston be and is hereby allowed four days' pay, from the ninth to the thirteenth day of January, 1887, as Porter, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PATTERSON, Acting Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—30.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That James Touhey be allowed six days' pay for services rendered as Watchman of the Senate Chamber, at a per diem of four dollars, payable out of the Contingent Fund of the Senate, said services having been rendered by him during the preliminary organization of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PATTERSON, Acting Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan,

McCarthy, McDonald, Meany, Patterson, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—30.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Controller of the State be and he is hereby authorized and directed to draw his warrant in favor of each of the following named Senators and clerk, for mileage account of Senate Committee on Military Affairs, for the sum of sixteen dollars and eighty cents, as per statement herewith:

	Miles	Amount
To Senator D. J. McCarthy—to San Francisco and return.....	168	\$16 80
To Senator T. H. McDonald—to San Francisco and return.....	168	16 80
To Senator P. Crimmins—to San Francisco and return.....	168	16 80
To Senator J. N. E. Wilson—to San Francisco and return.....	168	16 80
To Senator J. R. Spellacy—to San Francisco and return.....	168	16 80
To Senator A. F. Jones—to San Francisco and return.....	168	16 80
To Senator A. Yell—to San Francisco and return.....	168	16 80
To Clerk J. J. Pendergast—to San Francisco and return.....	168	16 80

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PATTERSON, Acting Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Walrath, White, and Yell—28.  
NOES—Mr. McDonald—1

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 48—An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Senate Bill No. 197—An Act to propose an amendment to section seven (7), of article (IX) nine, of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

SPELLACY, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, February 5, 1887. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 267—Entitled "An Act to appropriate money to pay the contingent expenses of the Senate for the twenty-seventh session of the Legislature."

WASHINGTON BARTLETT, Governor.

Also:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, February 5, 1887. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, made the following appointments:

W. H. Dimond, of the City and County of San Francisco, Brigadier-General of the Second Brigade, of the National Guard of California, vice self, term expired.



J. W. Freese, of Eureka, Humboldt County, Brigadier-General of the Sixth Brigade, of the National Guard of California, vice John G. Wail, resigned.  
And respectfully ask that the Senate consent to the same.

WASHINGTON BARTLETT, Governor.

Mr. Goucher moved that the Governor's message last above reported be considered at this time.

So ordered.

Upon the question, "Will the Senate advise and consent to the appointment of W. H. Dimond, of the City of San Francisco, as Brigadier-General of the Second Brigade of the National Guard of California, vice self, term expired?"

The roll was called, with the following result:

AYES—MESSES: Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—30.

NOES—None.

Whereupon, the President announced the appointment of W. H. Dimond, as Brigadier-General, as aforesaid, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. W. Freese, of Eureka, Humboldt County, Brigadier-General of the Sixth Brigade, National Guard of California?"

The roll was called, with the following result:

AYES—MESSES: Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.

NOES—None.

Whereupon, the President announced the appointment of J. W. Freese, Brigadier-General, as aforesaid, duly confirmed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 14—An Act to eradicate glanders and farcy, a disease among horses and other animals, and to empower the several County Boards of Supervisors of this State to create the office of County Veterinary Surgeon, and to provide for his compensation, and define his powers and duties.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MARSTON, Assistant Clerk.

Assembly Bill No. 14, above reported from the Assembly, was referred to the Committee on Agriculture.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. White: Senate Bill No. 325—An Act to amend section one of an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872, and to more clearly define the time within

which a foreign corporation may designate a person on whom process can be served.

Referred to Committee on Judiciary.

Also, Senate Bill No. 326—An Act to appropriate money to pay the claims of A. L. Rhodes and D. M. Delmas for services rendered to the State in prosecuting, on behalf of the people of the State of California, certain causes, commonly known as the California railroad tax cases.

Referred to Committee on Finance.

By Mr. Haynes: Senate Bill No. 327—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Referred to Committee on Public, Swamp and Overflowed Lands.

By Mr. Langford: Senate Bill No. 328—An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse, to be used for the storage of the same, authorizing the appointment of a storekeeper to have care and custody of said text-books, and appropriating money to pay the expense of erecting said warehouse and the salary of such storekeeper.

Referred to Committee on Public Buildings.

By Mr. Bowers: Senate Bill No. 329—An Act to amend section six of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and to create a new district to be numbered fifteen.

Referred to Committee on Agriculture.

By Mr. Jones: Senate Bill No. 330—An Act to ascertain the loss and damage suffered and sustained by the Coulterville and Yosemite Turnpike Company, a corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company.

Referred to Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

By Mr. Dray: Senate Bill No. 331—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Referred to Committee on Public Buildings other than Prison Buildings.

By Mr. Byrnes: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1883, and to add to Article II, of section four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Referred to Committee on Judiciary.

By Mr. Vrooman: Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other high explosives.

Referred to Committee on Judiciary.

By Mr. Walrath (by request): Senate Bill No. 334—Constitutional Amendment—to propose to the people of the State of California an amendment to the Constitution of the State, relative to irrigation.

Referred to Committee on Irrigation and Water Rights.

By Mr. Wilson: Senate Bill No. 335—An Act to amend sections nine hundred and thirty-nine, nine hundred and forty-three, and nine hundred and sixty-three of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to appeals in general and to the Supreme Court.

Referred to Committee on Judiciary.

By Mr. Yell: Senate Bill No. 336—An Act for the destruction of wolves and coyotes and to authorize a bounty to be given by the State to encourage such destruction, to any person who shall kill a wolf or coyote.

Referred to Committee on Agriculture.

#### SPECIAL FILE—THIRD READING OF BILLS.

Senate Bill No. 48—An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Bill read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McDonald, Meany, Moffitt, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 197—An Act to propose an amendment to section seven (7), of article nine (IX), of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

Pending consideration of the same, at the request of Mr. Gesford, the further consideration of the bill was temporarily passed.

#### SPECIAL FILE—SECOND READING OF BILLS.

Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election November 2, 1886. (By request.)

Read second time, and passed on file.

Senate Bill No. 30—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

Read second time, and committee amendment, as follows, considered: Strike out of section one, lines nine and ten, the words "one hundred and twenty-five," and substitute therefor the words "sixty."

Mr. Caminetti moved, as an amendment to the committee's amendment, to strike out the word "sixty," and insert in lieu thereof the word "twenty."

The question being on the adoption of the amendment to the amendment.

#### ADJOURNMENT.

Pending consideration of the same, on motion of Mr. Walrath, at five o'clock and thirty-five minutes P. M., the Senate adjourned until ten o'clock A. M. to-morrow.

## IN SENATE.

SENATE CHAMBER,  
 Tuesday, February 8, 1887. }

Senate met pursuant to adjournment.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Sullivan, Walrath, White, and Wilson—30.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

## FIRST SPECIAL ORDER.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California.

On motion of Mr. Bowers, the consideration of the bill was ordered postponed until Thursday, the tenth instant, immediately after the reading and approval of the Journal.

## SECOND SPECIAL ORDER.

Senate Bill No. 116—An Act to add section five hundred and thirty-nine to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy.

Committee amendment, providing enacting clause, adopted.

Bill read second time, ordered engrossed, and to a third reading.

## MOTION.

Mr. Clunie moved to take up, out of order, Senate Bill No. 59.

Mr. Goucher objected.

On Mr. Clunie's motion to take up the bill, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Caminetti, Clunie, Crandall, Dixon, Gestford, Hall, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Rose, Roth, Sullivan, and White—15.

NOES—Messrs. Boggs, Bowers, Briceland, Dray, Goucher, Haynes, McCudden, Murphy, Steele, Vrooman, Walrath, and Wilson—12.

## INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. Goucher: Senate Bill No. 337—An Act to add a new section to the Political Code, to be known as section three thousand two hundred, relating to trademarks.

Referred to Committee on Judiciary.

By Mr. McCarthy (by request): Senate Bill No. 338—An Act to



approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

Read second time, and passed on file.

Senate Bill No. 243—An Act to provide for an improvement of the State Capitol, and for an appropriation therefor.

Mr. Hinshaw moved to amend, by adding to the bill an additional section, to read as follows:

SEC. —. This Act shall take effect immediately.

Adopted.

The bill was then read a second time, ordered engrossed, and to a third reading.

Senate Bill No. 105—An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Bill read a second time, when Mr. Crandall offered the following amendment: "This Act shall not apply to the present officers."

Amendment lost, and the bill ordered engrossed, and to a third reading.

#### NOTICE OF AMENDMENT TO STANDING RULES.

By Mr. Caminetti, as follows:

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: I give notice that, on to-morrow, I will move an amendment to the Standing Rules of the Senate, providing for evening sessions, as follows: "Evening sessions of the Senate shall be held on and after Monday, February 14, 1887, to commence at seven o'clock and thirty minutes P. M., daily; *provided*, that no session be held on Sundays."

#### RECESS.

The hour of recess having arrived, the Senate took a recess until one o'clock and thirty minutes this P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson.

On motion of Mr. Boggs, Assembly message was taken up.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 103—An Act providing for the payment of witness expenses in criminal cases.

Also, passed Senate Bill No. 49—An Act to provide for the permanent support of the University of California, by the levy of a rate of taxation and the creation of a fund therefor.

Also, February eighth, passed Assembly Bill No. 134—An Act to provide for the removal of the mineral cabinet from the State Library.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MARSTON, Assistant Clerk.

Assembly Bill No. 103, above reported, referred to Committee on Judiciary.

Senate Bill No. 49 returned to the Assembly, for the purpose of obtaining more accurate information concerning the action had thereon by the Assembly.

Assembly Bill No. 134, above reported, referred to Committee on State Library.

Special File, second reading, pending when the Senate took a recess, resumed.

Senate Bill No. 140—A bill for an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Bill read second time, ordered engrossed, and to a third reading.

Senate Bill No. 163—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year.

Bill read second time, ordered engrossed, and to a third reading.

Senate Bill No. 207—An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

Bill read second time, ordered engrossed, and to a third reading.

Senate Bill No. 190—An Act appropriating the sum of forty thousand dollars to erect two buildings for the purpose of furnishing dormitories and dining-rooms for the male and the female adult blind inmates at the Home for the Adult Blind.

Substitute offered by Committee on Finance adopted.

Bill read second time, ordered engrossed, and to a third reading.

Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Substitute offered by Committee on Finance adopted.

Bill read second time, ordered engrossed, and to a third reading.

Senate Bill No. 192—An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.

Substitute offered by Committee on Finance adopted.

Pending further consideration, on motion of Mr. Caminetti, the bill was passed on file.

Senate Bill No. 170—An Act to amend section six hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to the compensation of Fish Commissioners.

Also, Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Severally ordered transferred to General File, and to occupy the same places on said file that they would have had, had they not been placed on the wrong file.

Senate Bill No. 168—An Act to propose an amendment to section two, of Article IV, of the Constitution of the State of California.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 138—An Act to amend section twelve, of Article XIII, of the Constitution.

Mr. Clunie moved to indefinitely postpone the further consideration of the bill.

The ayes and noes were demanded by Messrs. Yell, Dray, and Bowers, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs. Abbott, Briceland, Clunie, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, McCarthy, McDonald, Moffitt, Murphy, Patterson, Roth, Spellacy, Steele, and Wilson—18.

NOES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Lenahan, McCudden, Meany, Pinder, Rose, Sargent, Sullivan, Vrooman, Walrath, White, and Yell—22.

On the engrossment of the bill the roll was called, and the bill refused an engrossment and adoption by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Lenahan, Meany, Moffitt, Pinder, Rose, Sargent, Sullivan, Vrooman, Walrath, White, and Yell—21.

NOES—Messrs. Abbott, Briceland, Chandler, Clunie, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Murphy, Patterson, Roth, Spellacy, Steele, and Wilson—19.

#### REPORT OF SELECT COMMITTEE.

By Mr. Caminetti, as follows:

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: Your select committee, appointed to consider Senate Bill No. 30 have had the same under consideration, and have prepared a bill which is herewith presented, and recommend the passage thereof. We also recommend the passage of said Senate Bill No. 30, as amended by the Senate.

A. WALRATH,  
A. J. MEANY,  
A. CAMINETTI,  
Select Committee.

Pending consideration of Senate Bill No. 30, reported back by the select committee, on motion of Mr. Clunie, the bill and subject-matter under consideration was passed on file.

#### SPECIAL FILE—SECOND READING—(RESUMED).

Senate Bill No. 274—An Act making appropriations for the erection of buildings, and for other improvements at the State Prison at San Quentin.

Ordered on General File.

Senate Bill No. 270—An Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Read second time, and committee's amendment to section one considered: Section one, on line seventeen, after the words "jute goods," insert the following: "*Provided*, such removal, transfer, or detention

of money from such fund or funds, for the purpose named in this section, shall not be made when such transfer will hinder or in anywise delay the purposes for which the fund depleted was created."

Mr. Clunie moved to refer the bill and amendment under consideration to the Committee on Finance.

Lost.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 116—An Act to add section five hundred and thirty-nine to article two of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a Deputy.

J. R. SPELLACY, Chairman.

#### REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Concurrent Resolution has been correctly enrolled: Senate Concurrent Resolution No. 4, relative to the reduction of duty on raisins.

JOHN ROTH, Chairman.

Consideration of committee's amendment to Senate Bill No. 270—(resumed).

Mr. Clunie offered to further amend as follows: In line six, section one, strike out "one hundred" and insert "fifty."

Mr. Vrooman offered, as an amendment to the amendment, the substitution of the word "seventy" in place of the word "fifty."

Amendment to the amendment adopted.

Senate Bill No. 270 ordered engrossed and to a third reading.

#### REPORT—(OUT OF ORDER).

Mr. Moffitt, from the special committee on investigation of charges relative to a newspaper article published in the "Stockton Mail," reported as follows:

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

*To the honorable S. M. WHITE, President pro tem., and the Senate of California:*

Your special committee heretofore appointed for the purpose of investigating charges relative to a newspaper article published in the "Stockton Mail," have had the matter under consideration, and beg leave to submit the following report:

The author of the article has appeared before the committee and admitted his responsibility for its publication. He claims that he published no more than his sense of propriety dictated was proper in his criticisms of the official acts of a public functionary.

He denied that he intended to do anything of an ungentlemanly character, and meant no indignity to the Senate or any of its members. He especially denied any intention to mis-represent, libel, or maliciously defame the respected President of this body.

Your committee has been unable to ascertain the identity of the contemptible wretch who attempted to humiliate the family of Lieutenant-Governor Waterman, and believe he is the only real culprit in the whole affair. The author of the article complained of has publicly, and through his newspaper, denounced in the most emphatic terms, the effort made to use his paper as a means of wounding the feelings of any person by the wretch who sent it to the family.

In conclusion, we submit the report without recommendation, but beg leave to express our unqualified confidence in the presiding officer of this body.

FRANK J. MOFFITT, Chairman.  
P. J. MURPHY,  
J. P. ABBOTT,

Select Committee.

Report received, and committee discharged.



## SPECIAL FILE—FIRST READING.

Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor.

Read first time.

Senate Bill No. 287—An Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year.

Withdrawn by the author, Mr. Moffitt.

Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller and Trustees of school districts as to apportionment of moneys, the enrollment of pupils in the Grammar School course, and to provide for the same, and to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, and one thousand six hundred and ninety-six of said Act, in relation to pupils enrolled in the Grammar School course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor.

Read first time.

## GENERAL FILE—THIRD READING.

Mr. Clunie moved to take up Assembly message.

An objection being interposed, the ayes and noes were demanded by Messrs. Yell, Abbott, and Wilson, and the motion was lost by the following vote:

AYES—MESSRS. BYRNES, CAMINETTI, CLUNIE, CRANDALL, CRIMMINS, DIXON, GESFORD, JONES, LENAHAN, MCCARTHY, METCALDEN, SPELLACY, VROOMAN, WALRATH, WHITE, and WILSON—16.

NOES—MESSRS. ABBOTT, BOWERS, BRICELAND, CHANDLER, CONKLIN, DRAY, GOUCHER, HALL, HAYNES, HINSHAW, LANGFORD, PATTERSON, ROSE, ROTH, SARGENT, and STEELE—16.

## LEAVE OF ABSENCE.

MESSRS. LENAHAN and JONES were each allowed one day's leave of absence.

Mr. Wilson moved to take up, out of order, Assembly message.

So ordered.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed, as amended, Senate Bill No. 49 -An Act to provide for the permanent support of the University of California, by the levy of a rate of taxation and the creation of a fund therefor.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Assembly amendments to Senate Bill No. 49 (above reported), as follows, were considered:

First—Insert after the word "support," in line two, section five, page two, the words "and permanent improvements."

Second.—Add the words "and improvements," after the word "support," in title of bill.

On first amendment the roll was called, and the amendment concurred in by the following vote:

AYES.—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conkline, Crandall, Dixon, Dray, Goshorn, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCadden, McDonald, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

On the second amendment the roll was called, and the amendment concurred in by the following vote:

AYES.—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conkline, Crandall, Dixon, Dray, Goshorn, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCadden, McDonald, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

The bill was then ordered reëngrossed.

Mr. Abbott moved to adjourn.

The ayes and noes were demanded by Messrs. Clunie, McCarthy, and Murphy, and the motion was lost by the following vote:

AYES.—Messrs. Abbott, Bowers, Briceland, Patterson, Steele, Sullivan, Walrath, and Yell—8.

NOES.—Messrs. Byrnes, Caminetti, Chandler, Clunie, Conkline, Crandall, Dixon, Dray, Goshorn, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCadden, McDonald, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Vrooman, and White—25.

Mr. Lenahan asked leave to introduce a bill out of order.

Objections thereto being raised, on motion of Mr. Clunie, the rules were suspended, upon a division being had, and Mr. Lenahan introduced a proposed amendment to the Constitution, which was read by title, and referred to Committee on Constitutional Amendments.

The rules were further suspended, and Mr. Murphy had leave to introduce, out of order, Senate Bill No. 340—An Act to amend an Act entitled an Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums, approved March 3, 1885, by adding a new section thereto.

Referred to Committee on Corporations.

Mr. Pinder moved a suspension of the rules, to enable him to introduce a bill out of order.

The ayes and noes were demanded by Messrs. Yell, Walrath, and Roth, and the motion to suspend the rules prevailed by the following vote:

AYES.—Messrs. Byrnes, Caminetti, Chandler, Clunie, Conkline, Crandall, Dixon, Dray, Goshorn, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCadden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Walrath, and White—28.

NOES.—Messrs. Abbott, Bowers, Briceland, Goucher, Sullivan, Vrooman, and Yell—7.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Pinder: Senate Bill No. 341—An Act to amend section four hundred and eighty-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Referred to Committee on Judiciary.

Mr. Walrath moved to adjourn.

The ayes and noes being demanded by the requisite number, the motion to adjourn was lost by the following vote:

AYES—MESSRS. Abbott, Bowers, Briceland, Crandall, Dray, Hall, Langford, Rose, Sargent, Steele, Sullivan, Walrath, White, and Yell—14.

NOES—MESSRS. Byrnes, Caminetti, Chandler, Clunie, Conklin, Dixon, Gesford, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Roth, Spellacy, and Vrooman—20.

#### RESOLUTION—(OUT OF ORDER).

Mr. Clunie had leave to introduce a resolution, out of order, as follows:

WHEREAS, The State Printer requires the minutes of the proceedings of the Senate, from time to time, to set up in type; and whereas, the work in the office of the Journal Clerk occupies all the hours of the day, and frequently extends into the late hours of the night, and there being no messenger to deliver said minutes to the Printer; now, be it

*Resolved*, That J. T. McCarthy be and he is hereby appointed as such Messenger between the offices of Journal Clerk and State Printer, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Milage.

#### REPORT—(OUT OF ORDER).

Mr. Gesford had leave to report, out of order, as follows:

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 231—Relating to apportionment of school moneys—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

GESFORD, Chairman.

#### ADJOURNMENT.

Thereupon, at five o'clock and thirty minutes P. M., on motion of Mr. Walrath, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 9, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.  
Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

### ON PUBLIC, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Public, Swamp and Overflowed Lands, to whom were referred Senate Bills Nos. 152, 260, and 279:

Senate Bill No. 152—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relative to Registers' certificates in cases where the title of purchasers of State lands fail.

Senate Bill No. 260—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, and three thousand four hundred and fifty-four of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation, in reclamation districts of this State.

Senate Bill No. 279—An Act to amend section three thousand four hundred and forty-two of the Political Code of the State of California, relating to the preferred purchase of public lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 133—An Act to appropriate money to pay the claim of William Saunders, for advertising certain swamp and overflowed lands, under direction of the Surveyor-General, in 1875—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 327—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD, Chairman.

### ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings most respectfully report that on Monday, February seventh, a sub-committee, consisting of Senators McCudden and Abbott, visited the Branch State Normal School at Los Angeles. In the discharge of that duty the members of the committee are entitled to mileage for the following distances traveled: Senators McCudden and Abbott, and Clerk Ryan, each from Sacramento to Los Angeles and return, nine hundred and fifty-six miles.

McCUDDEN, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

### ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bills Nos. 174 and 262—have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

CAMINETTI, Chairman.

### ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 150—Entitled an Act to provide for the organization and government of irrigation districts, and to provide for the acquisition and distribution of waters thereby, for irrigation purposes—beg leave to report that they have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

WHITE, Chairman.

### ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 296—An Act to amend section two thousand two hundred and eighty-one of an Act to establish a Civil Code, enacted in 1872, and amended in 1885, in relation to the office



of Treasurer of the Deaf and Dumb and the Blind Asylum—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bills Nos. 227 and 271:

Senate Bill No. 227—An Act to regulate the practice of pharmacy and the sale of medicines and poisons, to provide for the inspection of drugs and medicines, and to prevent and punish the adulteration of the same.

Senate Bill No. 271—An Act to encourage and provide for a general vaccination in the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that they do not pass.

Also, Senate Bill No. 320—An Act to amend an Act entitled "An Act to protect public health from infection caused by exhumation and removal of human remains of deceased persons" have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BRICELAND, Chairman.

#### ON PUBLIC PRINTING.

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: Your Committee on Public Printing, to whom was referred Senate Bill No. 253—An Act to amend section five hundred and twenty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the printing of the laws of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCDONALD, Chairman.

#### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 270—An Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Senate Bill No. 190—An Act appropriating the sum of ten thousand dollars to erect two buildings for the purpose of furnishing dormitories and dining-rooms for the male and female adult blind inmates at the Home for the Adult Blind.

Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election November 2, 1886.

Senate Bill No. 207—An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

Senate Bill No. 163—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year.

Senate Bill No. 243—An Act to provide for an improvement of the State Capitol, and for an appropriation therefor.

Senate Bill No. 105—An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Senate Bill No. 140—A bill for an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Senate Bill No. 168—An Act to propose an amendment to section two, of Article IV, of the Constitution of the State of California.

SPELLACY, Chairman.

#### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Education begs leave to supplement their report presented February 1, 1887, by the addition of the annexed resolution:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of H. C. Gesford, for mileage account of Senate Committee on Education, for one hundred and forty-one (\$141) dollars, as per statement herewith, viz.:

	Miles.	Amount.
Senator H. C. Gesford—to Oakland, Berkeley, San José, and return.....	282	\$28 20
Senator A. Caminetti—to Oakland, Berkeley, San José, and return.....	282	28 20
Senator A. P. Hall—to Oakland, Berkeley, San José, and return.....	282	28 20
Senator E. B. Conklin—to Oakland, Berkeley, San José, and return.....	282	28 20
Clerk J. I. McConnell—to Oakland, Berkeley, San José, and return.....	282	28 20
Total.....		\$141 00

GESFORD, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON HARBOR, RIVER, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

*Resolved*, That the Controller of State, and is hereby authorized and directed to draw his warrant in favor of B. F. Langford, for mileage amount of Senate Constitution on Harbor, River, and Coast Defenses, for the sum of one hundred and sixty-eight dollars, as per statement herewith:

	Miles.	Amount.
Senator Langford—to San Francisco and fortifications, and return.....	280	\$28 00
Senator Byrnes—to San Francisco and fortifications, and return.....	280	28 00
Senator Crandall—to San Francisco and fortifications, and return.....	280	28 00
Senator Pinder—to San Francisco and fortifications, and return.....	280	28 00
Senator Spellacy—to San Francisco and fortifications, and return.....	280	28 00
Clerk McCarthy—to San Francisco and fortifications, and return.....	280	28 00
Total.....	1,680	\$168 00

SPELLACY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 29—Entitled an Act to amend section two of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural districts, and for the management and control of the same by the State, and to create an additional district, to be named District No. ——" have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 161—Entitled an Act to amend section twenty-one of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880—and report the same back, without recommendation.

Also, Senate Bill No. 330—Entitled an Act to amend Chapter XVII of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled "An Act to define, regulate, and govern the State Prisons of California" and report it back, without recommendation.

DIXON, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

Mr. Jones in the chair.

By Mr. Yell: Senate Constitutional Amendment No. 2—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

Referred to Committee on Constitutional Amendments.

By Mr. Crandall: Senate Bill No. 342—An Act authorizing the

incurring of indebtedness by cities incorporated under the laws of this State.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Goucher: Senate Bill No. 343—An Act to add two new sections to the Political Code, to be known and numbered as sections three thousand two hundred and three thousand two hundred and one, relating to trademarks, the use and adoption of the same, and the persons who, and the manner by which said trademarks and the rights thereunder, may be protected.

Referred to Committee on Judiciary.

By Mr. Conklin (by request): Senate Bill No. 344—An Act for the relief of Bartolo Sepulveda.

Referred to Committee on Claims.

By Mr. Hall (by request): Senate Bill No. 345—An Act to amend section twenty-five of an Act to establish a uniform system of county and township governments, approved March 14, 1883.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Caminetti: Senate Bill No. 346—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 347—An Act to pay the claim of J. W. Rock for the construction of a steam launch.

Referred to Committee on Finance.

By Mr. Jones: Senate Bill No. 348—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California.

Referred to Committee on Judiciary.

By Mr. Vrooman: Senate Bill No. 349—An Act to retain experienced teachers in the service of the State.

Referred to Committee on Education.

Also, Senate Bill No. 350—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books, of a State series of school text-books, and appropriating money therefor.

Referred to Committee on Education.

By Mr. White: Senate Bill No. 351—An Act to amend section three hundred and seventy-six and section three hundred and seventy-seven of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to cases where an action may be maintained for injury or death caused by the wrongful act or neglect of another, and relating to the persons who may maintain such action, and concerning the measure of damages in such cases, and providing for compromises, and settlement of such claim by executors and administrators in certain cases.

Referred to Committee on Judiciary.

Also, Senate Bill No. 352—An Act to provide for the establishment of Police Courts in all cities of this State containing over ten thousand and less than one hundred thousand inhabitants, to prescribe the duties of the Judge of such Court, to provide for the compensation of the Judge thereof, and the disposition of fines and forfeitures by

him collected, and to provide for the election and appointment of such Judge.

Referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 353—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation of county and township officers, and to fix and limit the fees and compensation of Justices of the Peace and Constables in criminal cases, in counties of the fifth class.

Referred to Committee on City, City and County, and Town Governments.

#### SPECIAL FILE—THIRD READING.

Senate Bill No. 197—An Act to propose an amendment to section seven, of Article IX, of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

Passed on file, temporarily.

Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election, November 2, 1886.

Rereferred to Committee on Engrossment.

Senate Bill No. 243—An Act to provide for an improvement of the State Capitol, and for an appropriation therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 105—An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—30.

NOES—Mr. Crandall—1.

Title read and approved.

Senate Bill No. 140—A bill for an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Patterson, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 163—An Act making an appropriation to pay the



deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Patterson, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 207—An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Haynes, Jones, McCarthy, McCudden, McDonald, Pinder, Sargent, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—25.

NOES—Messrs. Caminetti, Gesford, Goucher, Hall, Hinshaw, Patterson, Roth, and Steele—8.

Title read and approved.

Senate Bill No. 190—An Act appropriating the sum of forty thousand dollars to erect two buildings for the purpose of furnishing dormitories and dining-rooms for the male and the female adult blind inmates at the Home for the Adult Blind.

Also, Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Were temporarily passed on file.

Senate Bill No. 168—An Act to propose an amendment to section two, of Article IV, of the Constitution of the State of California.

Mr. Caminetti moved that it be referred to Mr. Gesford, as a select committee of one, with special instructions, as follows: Strike out from and including the words "An Act," to and including the word "Constitution" the second time it occurs on page one of the bill and insert:

#### A RESOLUTION

To propose an amendment to section two, of Article IV, of the Constitution of the State of California,

*Proposed amendment to the Constitution.*

*Resolved by the Senate, the Assembly concurring, That.*

Also, strike out the words "Senate Bill No. 168—An Act," and insert "Senate Constitutional Amendment No. 3."

So ordered.

Senate Bill No. 270—An Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw,

Jones, Langford, McArthur, McCudden, McDonald, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell- 35.  
 None. None.

Title read and approved.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 30—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

Read second time, and consideration of the bill and report of the select committee made yesterday proceeded with.

Mr. Clunie offered an amendment to section one of the bill as follows: Add to section one:

*Provided*, that out of any appropriation made herein there shall be forthwith paid to Wells, Fargo & Co. the amount due them, with legal interest.

Mr. Hall moved, as an amendment to the amendment, "that from the appropriation of thirty thousand dollars appropriated to the Mining Bureau, all lawful indebtedness against the Bureau be paid."

#### RECESS.

Pending the consideration of the same, at twelve o'clock M. the President declared a recess, under the rules, until one o'clock and thirty minutes P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Jones, Langford, McArthur, McCudden, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 197. An Act to propose an amendment to section seven (7), of article nine (IX), of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

SPELLACY, Chairman.

Consideration of Senate Bill No. 30 and amendments, pending when the Senate took a recess, resumed; the question being upon Mr. Hall's amendment to the amendment offered by Mr. Clunie.

Mr. Hall had leave to withdraw his amendment to the amendment.

The question recurring upon the amendment offered by Mr. Clunie,

the ayes and noes were demanded by Messrs Yell, Jones, and Sargent, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, McCudden, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, Wilson, and Yell—26.

NOES—Messrs. Caminetti, Conklin, Crandall, Gesford, Langford, McCarthy, and White—7.

The bill was then ordered engrossed, and to a third reading, and the title amended as follows: Add to the title the following words, "and directing the payment of certain claims against said Bureau."

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Boggs: Senate Bill No. 354—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year.

Referred to Committee on Finance.

Senate Bill No. 190, temporarily passed at the morning session, was, on motion of Mr. Moffitt, taken up.

Subsequently, the further consideration of the bill was again passed, temporarily.

#### REPORT OF SELECT COMMITTEE ON SENATE BILL No. 168.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 168, with special instructions to amend the same, hereby reports that the said bill has been amended in accordance with the instructions of the Senate, and reports said bill back, and recommends the passage of the same, as amended, as Senate Constitutional Amendment No. 3.

H. C. GESFORD, Select Committee.

Report adopted, and Senate Constitutional Amendment No. 3, in lieu of Senate Bill No. 168, ordered reëngrossed.

#### MOTION.

Mr. Moffitt moved to take up Senate Bill No. 190, temporarily passed at the morning session, under the order of business, "Special File—Third Reading."

So ordered.

Senate Bill No. 190 was then read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, Wilson, and Yell—35.

NOES—Messrs. Caminetti and White—2.

Title read and amended as follows:

An Act appropriating the sum of ten thousand dollars to erect a brick building to be used as a dormitory for the adult blind inmates at the Home for the Adult Blind.

At the request of Mr. Caminetti, Senate Bill No. 168 was withdrawn, and Senate Constitutional Amendment No. 3 substituted therefor.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Goucher: Senate Bill No. 355—An Act to provide compensation for Tax Collectors and License Collectors performing service in the collection of taxes imposed by law upon the issuance of certificates of stock corporations.

Referred to Committee on Mines, Drainage, and Mining Debris.

## SPECIAL ORDER.

Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

Upon the question, "Shall the bill be read a third time and passed?"

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—37.

NOES—Mr. Langford—1.

Title read and approved.

## GENERAL FILE—THIRD READING.

Senate Bill No. 22—An Act to amend section one thousand six hundred and sixty-five of the Political Code, in relation to public schools, and the branches of instruction to be given therein.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—38.

NOES—None.

Title read and approved.

Senate Bill No. 116—An Act to add section five hundred and thirty-nine to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—26.

NOES—Messrs. Abbott, Bowers, Byrnes, Caminetti, Crandall, Hall, Haynes, Hinshaw, Patterson, Sargent, and Yell—11.

Title amended, by adding thereto "and to provide for the salary of such deputy."

Title, as amended, read and approved.

## GENERAL FILE—SECOND READING.

Senate Bill No. 28—An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California, was, at the request of Mr. Gesford, withdrawn.



Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 47—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and seventy-three.

Passed on file.

Senate Bill No. 65—An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven of the same Code, authorizing and regulating actions against the State of California.

Read second time, and committee's amendment, as follows: Insert, after word "parties," in line six, page one, the following: "*Provided*, that no action shall be maintained hereunder, unless the facts constituting the basis of the claim arose within four years prior to the passage of the Act," considered.

On the adoption of the amendment reported by the committee, the ayes and noes were demanded by Messrs. Langford, Jones, and Yell, and the amendment was lost by the following vote:

AYES—Messrs. Jones, Moffitt, White, and Yell—4.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, McCarthy, McCudden, McDonald, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, and Wilson—31.

Mr. Abbott moved, as an amendment, insert, after word "parties," on line six, page one, the following: "*provided*, that no action shall be maintained hereunder unless the facts constituting the basis of the claim arose within twenty years prior to the passage of this Act."

Mr. Gesford moved, as an amendment to the amendment offered by Mr. Abbott, as follows: "*provided*, that no action shall be maintained hereunder unless the facts constituting the basis of the claim arose subsequent to the passage of this Act."

On the adoption of Mr. Gesford's substitute, the ayes and noes were demanded by Messrs. Jones, Abbott, and Wilson, and the substitute was lost by the following vote:

AYES—Messrs. Caminetti, Crandall, Gesford, Haynes, Roth, Sargent, Wilson, and Yell—8.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Goucher, Hall, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Steele, Vrooman, Walrath, and White—27.

Mr. Caminetti offered to amend as follows: Strike out the words "within the last twenty years prior to the passage of this Act," and insert, in lieu thereof, the words "since September 9, 1850."

Mr. Boggs in the chair.

Mr. Abbott offered a substitute, as to the question of time, providing for "ten years" as the time to be fixed.

Ayes and noes demanded by Messrs. Langford, Vrooman, and Gesford, and the substitute was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Goucher, Hall, McCarthy, McCudden, McDonald, Moditt, Patterson, Spellacy, Vrooman, White, and Wilson—22.

NOES—Messrs. Caminetti, Crandall, Gesford, Haynes, Hinshaw, Langford, Murphy, Roth, Sargent, Steele, and Yell—11.

Mr. Jones, who would have voted "aye," was paired with Mr. Walrath, who would have voted "no."

Mr. Murphy moved to strike out the enacting clause of the bill.

Ayes and noes were demanded by Messrs. Caminetti, Abbott, and White, and the motion was lost by the following vote:

AYES—Messrs. Bowers, Briceland, Caminetti, Crandall, Hinshaw, Langford, Murphy, Roth, Steele, and Yell—10.

NOES—Messrs. Abbott, Boggs, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, McCarthy, McCudden, McDonald, Moditt, Patterson, Spellacy, Vrooman, White, and Wilson—22.

Mr. Walrath, who would have voted "no," was paired with Mr. Jones, who would have voted "aye."

Mr. Caminetti called for the regular order of business under the rules.

Mr. Clunie moved a suspension of the rules, and that the consideration of the matter before the Senate be proceeded with.

On the question of a suspension of the rules, the roll was called, and the rules suspended by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Chandler, Clunie, Conklin, Dixon, Dray, Hall, Haynes, Moditt, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—22.

NOES—Messrs. Bowers, Caminetti, Crandall, Gesford, Goucher, Hinshaw, Langford, and Yell—8.

Further consideration of the bill proceeded with.

Mr. Crandall moved the following amendment: Amend, by inserting after the word "contracts," in line one, page two, the words "or damages."

Ayes and noes demanded by Messrs. White, Clunie, and Gesford, and the amendment was lost by the following vote:

AYES—Messrs. Caminetti, Crandall, Dixon, Gesford, Murphy, Steele, and Yell—7.

NOES—Messrs. Abbott, Boggs, Briceland, Byrnes, Chandler, Clunie, Conklin, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Moditt, Patterson, Roth, Sargent, Spellacy, Sullivan, Vrooman, and White—21.

Messrs. Jones and Walrath being paired as before.

Mr. Langford moved to amend as follows: Add, after the word "fee," in line eighteen, the words "and all other costs."

Adopted.

Mr. Crandall moved to amend, by striking out the words "not exceeding five hundred dollars," in line seventeen.

Adopted.

Mr. Gesford moved to amend, by striking out subdivision six, of section four hundred and eleven, on page three, printed bill.

Lost.

On the question, "Shall the bill be engrossed and read a third time?"

The ayes and noes were demanded by Messrs. Yell, Hinshaw, and Sargent, and an engrossment of the bill ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, McCarthy, McDonald, Mollitt, Patterson, Roth, Vrooman, White, and Wilson—22.

NOES—Messrs. Caminetti, Crandall, Haynes, Hinshaw, Langford, Murphy, Sargent, Spellacy, Steele, Sullivan, and Yell—11.

Mr. Gesford gave notice that he would, on to-morrow, move a reconsideration of the vote whereby Senate Bill No. 65 was ordered engrossed.

Mr. Vrooman interposed the point of order, "that the vote whereby the bill was ordered engrossed, not being a final vote, the notice of reconsideration was not in order."

The Chair decided the point of order well taken.

Mr. Gesford appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Abbott, Patterson, and Gesford, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, McCarthy, McCudden, Mollitt, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—28.

NOES—Messrs. Caminetti, Crandall, Gesford, and Murphy—4.

#### ADJOURNMENT.

Thereupon, at five o'clock P. M. the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Thursday, February 10, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Mollitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

Mr. White moved that the report of the Committee on Engrossment be returned to said committee, for the purpose of having the same corrected, in so far as the same refers to Senate Bill No. 190, so as to have the same conform to the facts.

So ordered.

## MOTION.

On motion of Mr. Clunie, the consideration of the special order, coming on at this time, was postponed until after the consideration of the order of business, "Reports of Standing Committees."

## PETITIONS.

By Mr. Goucher: A petition from citizens and taxpayers of the County of Alpine, asking the Legislature to establish the eastern boundary line of said county.

On motion of Mr. Goucher, the body of the petition was ordered spread upon the Journal, and the petition referred to Committee on Counties, County Government, and Township Organization.

*To the honorable Senate and Assembly, now in session:*

GENTLEMEN: The undersigned, residents and taxpayers of the County of Alpine, respectfully represent:

*First*—That portion of the eastern boundary line of the State of California southward from Lake Tahoe, as now recognized, is incorrect, as appears from the report of the State Engineer to the Legislature, dated January 10, 1883, the correctness of whose data and report is confirmed by surveys of the United States Geographical Corps, made under the direction of the honorable Secretary of War.

*Second*—That by reason of this error a strip of territory, from a half to three fourths of a mile in width, and for a length unknown, has been thrown into the State of Nevada from this State, and from which it is clearly established that the Counties of Alpine, El Dorado, and Mono, at least, are, and have been for a long time past, deprived of territory clearly theirs.

*Third*—That that portion of the territory the County of Alpine would receive if the true boundary line were established is of very great value, embracing, as it does, to the knowledge of your petitioners, some of the finest and best improved land in upper Carson Valley, worth, in the aggregate, not less than two hundred thousand dollars.

*Fourth*—That in addition to that received by the County of Alpine, the Counties of Mono and Inyo would receive large accessions to their territory, as well as a small portion of territory to the County of El Dorado, if the said boundary line should be corrected, and your petitioners who reside near to and adjoining the boundary line, as now recognized, are of the opinion that the State of California would receive at least one million dollars additional taxable property to her domain upon a correction of the boundary line as suggested by our State Engineer.

*Fifth*—Your petitioners are of the opinion that the boundary line can be corrected for one third of the cost of the original survey of 1883, for which the Legislature appropriated twenty-five thousand dollars, for the reason that the then conditions in many respects do not now exist, and in particular that the dressed granite posts, marking the boundary, have only to be moved to the true boundary line, no new ones being required.

Your petitioners, therefore, earnestly call the attention of Senators and members of the Assembly to the provisions of the bill introduced into the Senate by Senator Goucher, covering the subject-matter of this petition, and earnestly request and urge favorable action on that measure, to the end that the counties named, and the State, may secure the territory to which all are entitled.

And your petitioners will ever pray.

## REPORTS OF STANDING COMMITTEES.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 9—Entitled an Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to the manner of commencing civil actions, and the service of summons therein"—have had the same under consideration, and respectfully report it back, without recommendation.

Also, Senate Bill No. 18—Entitled an Act to amend section five hundred and twenty-seven of an Act entitled "An Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to injunctions and service thereof"—and respectfully report the same back, without recommendation.

Also, Senate Bill No. 268—Entitled an Act making an appropriation for the payment of water supplied to the State Prison at San Quentin, by Marin County Water Company,



from November 1, 1877, to December 1, 1881—and recommend that it be referred to the Committee on Claims.

Also, Senate Bill No. 244—Entitled an Act to amend section three hundred and eighty-five of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 54—Entitled an Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and thirty-nine, relating to salaries of officers connected with the Supreme Court—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Senate Bill No. 268 referred to Committee on Claims, as recommended.  
Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 64—Entitled an Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 13—Entitled an Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor—and recommend that it do pass.

Also, Senate Bill No. 241—Entitled an Act to authorize the Controller to draw his warrant in favor of the Treasurer for the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents, and requiring the Treasurer, in the presence of the State Board of Examiners, to destroy receipts for that amount in his possession, given to various County Treasurers by W. A. January, late State Treasurer, for money left with him by them—and recommend that it do pass.

Also, Senate Bill No. 63—Entitled an Act to repeal section four hundred and fifty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, which section was approved March 23, 1885, and relates to mutual life, health, and accident insurance corporations—and recommend that it do not pass.

Also, Senate Bill No. 300—Entitled "An Act relating to interest"—with a substitute therefor, and recommend the adoption of the substitute and the passage of the same.

Also, Senate Bill No. 301—Entitled "An Act to amend section three hundred and forty-one of an Act entitled an Act to establish a Penal Code," approved February 14, 1872, concerning pawnbrokers, their duties and liabilities—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

ON STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: Your Committee on State Library, to whom was referred Senate Bill No. 87—An Act to provide for the removal of the mineral cabinet from the State Library—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MURPHY, Chairman.

Mr. Goucher in the chair.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 7, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the account of the Committee on Claims, for visiting San Francisco to investigate the Telegraph Hill claims—having had the same under consideration, respectfully report the following, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators Meany, McCarthy, McDonald, Lenahan, McCudden, and Dray, and Clerk McCarthy, for sixteen dollars and eighty cents each, mileage due as members of the Committee on Claims, for visiting San Francisco to investigate the claims of property owners who allege that they have suffered damages at the hands of the contractors of the Harbor Commission; also, that the Controller draw his warrant in favor of Luke Kavanaugh for eighty-seven dollars and twenty cents, as stenographer of the Committee on Claims at the said investigation, and in favor of H. R. McCausland for four days' pay as Sergeant-at-Arms of the committee, at a per diem of six dollars.

MURPHY, Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Brickland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—33.

NOES—None.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 325—Entitled an Act to appropriate money to pay the claim of A. L. Rhodes and D. M. Delmas, for services rendered to the State in prosecuting, on behalf of the people of the State of California, certain cases, commonly known as the California railroad tax cases—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 294—An Act to amend section three hundred and fifty-nine of an Act to establish a Civil Code, in relation to corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 340—An Act to amend an Act entitled "An Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums," approved March 3, 1885, by adding a new section thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOUCHER, Chairman.

#### ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 328—Entitled "An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse, to be used for the storage of the same, authorizing the appointment of a storekeeper, to have the care and custody of said text-books, and appropriating money to pay the expenses of erecting said warehouse, and the salary of such storekeeper"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 331—Entitled "An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MC CUDDEN, Chairman.

#### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 49—An Act to provide for the permanent support and improvement of the University of California, by the levy of a rate of taxation and the creation of a fund therefor.

Also, Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Also, Senate Bill No. 30—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

Also, Substitute for Senate Bill No. 190—An Act appropriating the sum of ten thousand dollars to erect a brick building to be used as a dormitory for the adult blind inmates at the Home for the Adult Blind.

Also, Senate Constitutional Amendment No. 3.

SPELLACY, Chairman.

#### ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 291—An Act to prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOGGS, Chairman.

Also, Senate Bill No. 67—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors, drivers, and gripmen; and to amend section three thousand two hundred and forty-four (3244), of said Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

J. R. SPELLACY.  
A. L. CHANDLER.

I respectfully report the bill back, without recommendation.

BOGGS, Chairman.

ON YOSEMITE VALLEY, MARIPOSA GROVE OF BIG TREES, AND FORESTRY.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Yosemite Valley, Mariposa Grove of Big Trees, and Forestry, to whom was referred Senate Bill No. 304—An Act to appropriate money for the purchase of certain roads within the limits of Yosemite Valley—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

BOGGS, Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 157—Entitled an Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and thirty of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, as amended by them, and recommend that, as so amended by them, it do pass.

SULLIVAN, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, The State Printer requires the minutes of the proceedings of the Senate, from time to time, to set up in type; and whereas, the work in the office of the Journal Clerk occupies all the hours of the day, and frequently extends into the late hours of the night, and there being no messenger to deliver said minutes to the Printer; now be it

Resolved, That J. T. McCarthy be and he is hereby appointed as such Messenger between the offices of Journal Clerk and State Printer, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Upon the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Sullivan, Vrooman, Walrath, White, and Yell—32.

NOES—None.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 273—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VIII, thereof, to be known as section one thousand three hundred and eighty-nine, for the prevention of minors being employed by telephone companies or special delivery companies, in delivering notes or messages to houses of prostitution or places of questionable repute—have had the same under consideration, and respectfully report the same back, without recommendation.

HAYNES, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 8, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 225—An Act to appropriate money for the relief of J. C. Doherty—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 153—An Act to provide for the payment of the claim of R. C. Ball, as architect of the State Prison at Folsom, and to appropriate money for the purpose of such payment—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 280—An Act to authorize the Board of Supervisors of the City and County of San Francisco to examine into, adjust, and pay the claim of Thomas Day, of the City and County of San Francisco, for damages done to, and injuries suffered by, certain real property of the said Day, situated on the north side of Harrison Street, between Second and Third Streets, in said city and county, by reason of the modification of the grade of said Second Street, between Howard and Bryant Streets, had and made pursuant to the Act of the Legislature of the State of California, approved March 30, 1868, and entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 302—An Act for the remuneration of Elisha O. Crosby for money advanced to and for the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended, by striking out of lines three and four, of printed bill, the words "six thousand," and substituting therefor the words "three thousand eight hundred and forty-two."

MEANY, Chairman.

#### ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 269—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GESFORD, Chairman.

#### RESOLUTION—(OUT OF ORDER).

Mr. Meany had leave to introduce the following resolution, out of order:

*Resolved*, That John W. Wilcox, Sergeant-at-Arms, be and he hereby is allowed the sum of twenty dollars and eighty cents for service and mileage in the matter of service of subpoenas on Drury Melone and Newton Booth, witnesses before the Committee of Claims of the Senate, and the Controller is directed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### SPECIAL ORDER.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California.

Read second time, and committee's amendment, as follows:

SECTION 1. Section one thousand four hundred and twenty-two, of Title VIII, of Part IV, division second, of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, is hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

Considered.

Mr. Langford offered, as a substitute for the bill and committee's amendment, the following:

SECTION 1. Riparian rights as declared in section one thousand four hundred and twenty-two of the Civil Code of the State of California, are hereby declared to consist of the right to the use of so much of any body of water flowing through or contiguous to the lands of any proprietor, as is necessary for domestic use, the watering of stock, irrigation when practicable, and mechanical purposes, where the water is returned to its original channel, and all surplus of said waters may be used by others for the same purposes.

The question being upon the adoption of the substitute, pending consideration, Mr. White moved that the further consideration of the



bill and amendments thereto proposed be made the special order for Monday next, immediately after the order of business, "Reports of Standing Committees," shall have been disposed of.

So ordered.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. Moffitt: Senate Bill No. 356—An Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 357—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 358—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-sixth fiscal year.

Referred to Committee on Finance.

By Mr. McCudden: Senate Bill No. 359—An Act to amend section six hundred and thirty-four of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the taking of salmon.

Referred to Committee on Fish and Game.

Also (by request), Senate Bill No. 360—An Act to amend section three thousand four hundred and forty of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the presumption of fraud in certain transfers.

Referred to Committee on Commerce and Navigation.

By Mr. Clunie (by request): Senate Bill No. 361—An Act amendatory of an Act entitled an Act to enable John Hoagland, James Reed, Mrs. Rebecca C. Hoagland, George Cooper, William B. Todd-hunter, Mrs. Mary W. G. Van Arsdall, Henry Lienberger, Christopher Green, and Charles Trainer, to sue the State of California, approved March 12, 1885.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 362—An Act to repeal sections six hundred and thirty-two and six hundred and thirty-three of the Code of Civil Procedure, to substitute a new section therefor, and relating to the subject of findings.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 363—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relative to cheats.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 364—An Act to amend section nine hundred and thirty-nine of the Code of Civil Procedure of California, upon the subject of appeals.

Referred to Committee on Judiciary.

By Mr. Gesford: Senate Bill No. 365—An Act to amend section two thousand six hundred and fifty-five, and to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, all of said sections relating to road taxes.

Referred to Committee on Roads and Highways.

By Mr. Wilson: Senate Bill No. 366—An Act to amend section four hundred and eighty-seven of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the crime of larceny.

Referred to Committee on Judiciary.

Also, Senate Bill No. 367—An Act to repeal section four hundred and ninety-one of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the crime of larceny.

Referred to Committee on Judiciary.

By Mr. Steele by request: Senate Bill No. 368—An Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by adding three new sections, to be known as sections two hundred and ninety-nine, three hundred, and three hundred and one, relating to observance of Sunday.

Referred to Committee on Public Morals.

By Mr. Hinshaw: Senate Bill No. 369—An Act to amend section one hundred and sixty-eight of an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, amended March 18, 1885, relating to salaries of officers in counties of the sixth class.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Sargent by request: Senate Bill No. 370—An Act to add a new section to the Political Code of this State, to be known as section four thousand one hundred and twenty-five, relating to elections and the registration of voters.

Referred to Committee on Judiciary.

Also by request: Senate Bill No. 371—An Act to add a new section to the Political Code of this State, to be numbered eight hundred and forty-four, relative to the qualifications of the District Attorneys of the counties of this State.

Referred to Committee on Judiciary.

By Mr. White: Senate Bill No. 372—An Act to amend section one thousand four hundred and sixty-nine of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to the duty of the Court in probate cases, to make provision for the family of the decedent, and to set apart the property of the decedent, when the inventory shows the value of the estate not to exceed one thousand five hundred dollars, and to provide for the vesting of the title of the property so set apart.

Referred to Committee on Judiciary.

Also, Senate Bill No. 373—An Act to amend section four hundred and eight of the Code of Civil Procedure of the State of California, relating to the issuing of alias summons.

Referred to Committee on Judiciary.

By Mr. Wabath: Senate Bill No. 374—An Act relating to the compensation of Court Reporters in counties of the eighth class.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. White: Constitutional Amendment No. 4—A resolution to propose an amendment to section eight, of Article XI, of the Constitution of the State of California, relating to the framing of a charter for cities of more than one hundred thousand inhabitants, and for cities of over ten thousand and less than one hundred thousand inhabitants.

## Referred to Committee on Constitutional Amendments.

## SPECIAL FILE—THIRD READING.

Senate Bill No. 197—An Act to propose an amendment to section seven (7), of article nine (IX), of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

Mr. Gesford moved to refer Senate Bill No. 197 to a special committee of one, consisting of Senator Moffitt, with instructions to report forthwith the following amendments thereto: Strike out, from and including the words "an Act to," and including the word "Constitution," the second time said word "Constitution" occurs, on page one of the bill, and insert in lieu thereof, the words:

## A RESOLUTION

To propose an amendment to section seven (7), of article nine (IX), of the Constitution of the State of California.

*Proposed Amendment to the Constitution.*

*Resolved by the Senate, the Assembly concurring, That.*

Also, strike out the words "Senate Bill No. 197—An Act," and insert "Senate Constitutional Amendment No. 5."

## REPORT OF SELECT COMMITTEE ON SENATE BILL No. 197.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your special committee, appointed to report certain specified amendments to Senate Bill No. 197, begs leave to report that the amendments directed by the Senate to be made to said bill have been made, and your committee now most respectfully reports said bill back, and recommends its passage, as amended.

MOFFITT, Select Committee.

Report adopted, and Senate Bill No. 197 ordered engrossed, and to a third reading.

## SPECIAL FILE—THIRD READING.

Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election, November 2, 1886.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spelacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—34.

NOES—Mr. Bowers—1.

Title read and approved.

Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California—substitute bill.

## RECESS.

Pending the consideration of the bill, at twelve o'clock M. the President declared a recess, under the rules, until one o'clock and thirty minutes P. M.

## REASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate reassembled.

Mr. Goucher in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gessford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McQuidden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Caminetti: Senate Bill No. 375—An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature, in relation thereto. Referred to Committee on Judiciary.

## SPECIAL FILE—THIRD READING.

Consideration of Senate Bill No. 191, pending when the Senate took a recess, resumed.

Pending further consideration of said bill, the hour for the special order, to wit: the consideration of the General File, having arrived, on motion of Mr. Moffitt, it was ordered that the time for the consideration of such special order be extended until the consideration of the bill before the Senate be disposed of.

Upon the question, "Shall the bill be read a third time and pass?"

The roll was called, and the bill ordered read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gessford, Goucher, Hall, Haynes, Hinshaw, Langford, McCarthy, McQuidden, Mc Donald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, and Wilson—32.

NOES—Messrs. Caminetti, Steele, White, and Yell—4.

Title read and approved.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 65—An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven of the same Code, authorizing and regulating actions against the State of California.

SPELLACY, Chairman.

## GENERAL FILE—THIRD READING.

Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the man-



agement and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Passed on file.

Senate Bill No. 65—An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven of the same Code, authorizing and regulating actions against the State of California.

Mr. Caminetti moved to postpone the further consideration of the bill until to-morrow.

Lost.

Bill read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Clunie, Crimmins, Dixon, Dray, Hall, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Sargent, Spellacy, Sullivan, Vrooman, and Wilson—23.

NOES—Messrs. Bowers, Crandall, Gesford, Goucher, Haynes, Hinshaw, Rose, Roth, Steele, White, and Yell—10.

Title read and approved.

Mr. Walrath, who would have voted "aye," was paired with Mr. Jones, who would have voted "no."

Mr. Caminetti gave notice that he would, on to-morrow, move a reconsideration of the vote by which the Senate passed Senate Bill No. 65.

#### SPECIAL ORDER.

Senate Bill No. 59—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies—coming up in regular order.

Mr. Wilson moved that the consideration of the special order, Senate Bill No. 59, be continued until Monday, immediately after the disposition of the special order set for that day.

Upon the motion of Mr. Wilson, the ayes and noes were demanded by Messrs. White, Clunie, and Rose, and the motion was lost by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Crimmins, Dray, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Spellacy, Steele, Sullivan, Vrooman, Wilson, and Yell—19.

NOES—Messrs. Abbott, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Moffitt, Rose, Roth, Sargent, and White—20.

Bill read second time, and committee amendments, as follows, considered, to wit:

1. Strike out the word "of," in line one, page one, between the figure "1" and the word "Section," of the bill.

Adopted.

2. Add the words and figures "Section 616," at the beginning of line four, page one, of the bill.

Adopted.

3. Strike out the word "shall," after the word "company," on line seven, page one, of the bill, and insert the word "must," at the end of line seven.

Adopted.

4. Transpose, on line five from the bottom of page two, the words "postage paid," and "by mail," on line four from the bottom of page two.

Adopted.

5. Strike out on line two, page three, after the word "such," the letter "R."

Adopted.

6. Add, after the word "Section," on the last line of page three, the following:

And any foreign insurance corporation or company now doing business in the State of California under any compact or agreement, hitherto entered into, contrary to any of the provisions of this section, shall, within sixty days after the passage of this Act, withdraw from said agreement or compact, or it shall be the duty of the Insurance Commissioner to revoke the license under which such insurance corporation or company is now doing business.

Adopted.

Senate Bill No. 59—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Ordered engrossed, and to a third reading, and bill made the special order for Tuesday next, immediately after going through with the order of business, "Introduction of Bills."

#### SPECIAL FILE—THIRD READING.

Senate Constitutional Amendment No. 3—Proposing an amendment to section two, of Article IV, of the Constitution of the State of California.

Passed on file.

Senate Bill No. 30—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McPen-ald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.

NOES—Messrs. Bowers, Byrnes, Henshaw, Langford, and Steele—5.

Title read and approved.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 106—An Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 192—An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.

Consideration of Substitute for Senate Bill No. 192 proceeded with. Mr. Caminetti moved, as an amendment to section one, line one,

to strike out "sixty-five thousand dollars," and insert, in lieu thereof, "thirty thousand dollars."

Lost.

#### CALL OF THE SENATE.

Mr. Moffitt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSES. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCadden, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spelacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion of Mr. Moffitt, further proceedings under the call were dispensed with.

Consideration of Substitute for Senate Bill No. 192 resumed.

Mr. Crandall moved to amend section two, by inserting the words "other than dormitories" after the word "buildings," in line three.

Adopted.

Mr. Moffitt moved to amend section four, as follows: Strike out of section four, lines one and two, the words "the members of the Board of Directors of the Deaf, Dumb, and Blind Asylum shall organize as a Board of Directors for the Home for the Adult Blind," and insert, instead, the following:

SEC. 4. The Governor of the State shall appoint five citizens of the State, who shall organize as and constitute the Board of Directors for the Home for the Adult Blind.

Adopted.

Mr. Caminetti moved to amend, as follows: Strike out, commencing on line six, page two, at the words "the rate," to and including the word "Board," on line eight, and insert the following: "No compensation shall be paid to any inmate of the Home for any work performed therein."

Lost.

Mr. Bowers moved to amend article three, as follows: Amend section one, of Article III, by adding, after the word "thereof," in line four of the printed bill, the following words: "And, in the admission of inmates, the Board of Directors shall have regard to an equitable representation from each county in the State."

Amendment accepted and adopted.

Mr. Moffitt moved to change the word "supplies" to the word "material," in line thirty-seven.

So ordered.

Mr. White in the chair.

Mr. Crandall moved to insert two thousand dollars, instead of two thousand four hundred dollars, as the salary of the Superintendent.

Lost.

Mr. Caminetti moved to amend, so that a new article shall follow Article V, as follows:

All State institutions needing and requiring articles manufactured at the Home must purchase the amount needed therefrom; *provided*, that the same are furnished at cost price.

Lost.

Mr. Vrooman moved to amend Article VII, as follows: Amend Article VII, by adding thereto, after the word "repealed," in line two, page nine, the following: "Nothing herein contained shall in any way shorten or lengthen, or in any manner affect the terms of office of the persons, or any of them, now composing the Board of Directors of the Deaf, Dumb, and Blind Asylum, as members of said Board."

Adopted.

Mr. Moffitt moved the adoption of the substitute, as read and amended.

So ordered.

Substitute for Senate Bill No. 192, ordered engrossed, and to a third reading.

#### RESOLUTION—(OUT OF ORDER).

Mr. Wilson had leave to introduce Senate Concurrent Resolution No. —, relating to the employment of Captain John Mullan to represent the State of California in the collection of certain moneys due from the United States to this State.

Mr. Wilson moved the adoption of the resolution.

Mr. Gesford moved, as an amendment, that the resolution be referred to the Committee on Education, to report the amount of compensation due said Captain John Mullan.

Mr. Yell moved to adjourn.

Lost.

Mr. Wilson accepted the amendment, and the motion of Mr. Gesford prevailed.

#### SUSPENSION OF THE RULES.

Mr. Murphy moved a suspension of the rules, and that Senate Bill No. 340—An Act to amend an Act entitled "An Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums," approved March 3, 1885, by adding a new section thereto, be now considered.

So ordered.

Senate Bill No. 340 read first time, and, on motion of Mr. Murphy, made the special order for to-morrow, immediately after the order of business, "Reports of Standing Committees," has been disposed of.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 49—Entitled an Act to provide for the permanent support and improvement of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.

ROTH, Chairman.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Constitutional Amendment has been correctly engrossed:

Senate Constitutional Amendment No. 5.

SPELLACY, Chairman.



## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Caminetti: Senate Bill No. 376—An Act to regulate and fix the charges and fees of Sheriffs throughout the State of California, for keeping property.

Read by title, and referred to Committee on Judiciary.

## NOTICES OF AMENDMENT TO STANDING RULES.

By Mr. Crandall, as follows:

*Resolved*, That Rule XLIII of the Senate be and is hereby amended, by adding thereto the following, to wit: "The Clerk shall cause to be made copies of all bills originating in and passed by the Assembly, when received by him, and have two hundred copies of each of said bills printed; and that printed copies be placed on Senators' desks."

By Mr. Caminetti: A renewal of notice heretofore given, as follows:

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: I give notice that, on to-morrow, I will move an amendment to the Standing Rules of the Senate, providing for evening sessions, as follows: "Evening sessions of the Senate shall be held on and after Monday, February 14, 1887, to commence at seven o'clock and thirty minutes p. m., daily; *provided*, that no session be held on Sundays."

## ADJOURNMENT.

Thereupon, at six o'clock and five minutes p. m., on motion of Mr. Bowers, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 11, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

The reading of Reports of Standing Committees dispensed with, on motion of Mr. Crandall.

## LEAVE OF ABSENCE.

At request of Mr. Meany, Mr. Clunie was granted leave of absence until Monday next.

Mr. Patterson in the chair.

## REPORTS OF STANDING COMMITTEES.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 59—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Senate Bill No. 106—An Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

SPELLACY, Chairman.

## ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 236—have had the same under consideration, and respectfully report the same back, with a substitute, and recommend that the substitute do pass.

Also, Senate Bill No. 329—Relating to the formation of a new agricultural district—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Assembly Bill No. 14—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

DIXON, Chairman.

## ON CHINESE.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Chinese and Chinese Immigration beg leave to report as follows:

Your committee, on Saturday, the fifth instant, proceeded to the City of San Francisco, there to see for themselves the nature of the Chinese evil in all its deformity, and to take the testimony of persons best informed as to the condition and status of the Chinese race in our midst, with a view to propose measures looking to the removal of this disturbing element from our State.

Your committee, first of all, visited Chinatown in that city, to verify, with their own eyes, the statements so often made on the platform, and in the press. They found the reality to exceed all description. They were inclined to exclaim, "The half was not told!" No other city in our Union has such a plague-spot. Perhaps no other civilized city in the world is afflicted with anything approaching it. It is a disgrace to the city, the State, the nation, and to civilization. In all respects, it is most abominable and intolerable. There is no excuse for it. Our fathers never intended that the great republic should be made the stamping-ground of such a concentration of crime, vice, filth, lechery, disease, and slavery. We cannot particularize in this report. We cannot trouble you with more than a summary of what we saw, smelled, tasted, and heard—yes, tasted, for the odors of Chinatown are strong enough to be tasted.

Here, within about four full blocks, are found about thirty thousand people. For thirty years China has dumped all it would upon our shores, all its refuse, male and female; as also, some able, healthy, and perhaps, well-ordered laborers. For thirty years, the best, the lucky, the capable ones have returned to China, their pockets filled with our gold. All the dregs have remained with us. All the incapable, the idiotic, the unfortunate, the diseased, the criminal, the vicious, the outcasts, have remained with us. China does not want them. They have no means to go home. They remain with us, a legacy, but certainly not "a thing of beauty nor a joy forever." But there they are, thirty thousand men, women, and children. The men, the most degraded slaves on earth. The women, slave prostitutes, on a lower level than our language can describe. The children, the product of the most promiscuous miscegenation on earth. There they are, foreign to our race, language, manners, and laws. They have no conception of our morality, and no respect for our laws. The moment you step into their domain, China rules, and the Republic is lost. They live under the laws of China. The six Chinese companies rule them, and the highbinder is the real Sheriff's officer. Our police and Courts are regarded by them as a grievous oppression, to be evaded, avoided, and resisted, whichever is the most practical, for the time being. We found here nauseous odors, filth, extreme poverty, ignorance, superstition, and degradation in no other place to be found. A crowded condition, from four to ten in the space that one American would regard as essential to his health and comfort. A total absence of furniture, such as comfort and decency would seem to require in either kitchen, or parlor, or bedroom. In fact, every room is all three, and for a crowd, where two seem impossible.

The men, with all the stolid dullness and routine of slaves, moving in dozens as one man, with none of the instincts or inspiration of freemen—celibate slaves. The women, confessedly slaves and prostitutes, bought, sold, mortgaged, held, whipped, imprisoned, and transferred daily, in this free land, where slavery is forbidden in the Constitution. The children of these women show their paternity. They are of all nations, from almost

pure white to the brand of Africa. Few are born in wedlock. Nay, some are stolen, even from white people! Children are a property, held as such, raised as slaves, bought and sold, and otherwise held under claims unknown to the statutes of California, or the laws of our country. Prostitution is openly practiced, in a manner so notorious and shameless, that in no city in our Union would it be tolerated for one moment from any other than these Chinese. It is a confessed fact that they reek with loathsome disease, and have been known to impart the same to children of ten or twelve years.

Gambling seems to be a national vice with them. It is universal, and irrepressible. It is in full blast in every shape, lottery, tan, and all other forms. They barricade against the police, to prevent surprise. We saw it. You can see it. Why, we ask, do the police not suppress it?

The opium den is no less destructive. It is found all over Chinatown. It would seem as though they all indulge. And not content with that, they are diligent in the induction of others into the accursed habit. The dens are everywhere, and we are assured that white men, women, boys, and girls are continually made victims of that deadly drug. From this charnel house of depravity and disease the Chinese cook, nurse, waiter, and domestic servant of all work issues in the morning, after stewing all night, to the duties of his office in the mansion of his white employer. The fact of thirty thousand men, including but three thousand women, would itself suggest unheard of vice. But when it is such men, such women, and such children, such crowded conditions, such usages and laws, did Sodom itself ever witness scenes as Chinatown portrays.

Your committee found evidence of all these things; saw them, ripe, palpable, and scarcely making an effort at concealment. Our wonder was, Where are the police? Where are the Courts? Where the Sheriff? The detectives? Alas! they are all there. Do they know of these things? Without doubt, if they are not blind. Why then are they not suppressed, prosecuted, stamped out? This is something your committee could not fathom, and no one in San Francisco could find out for us. It is said that the Chinese Companies buy the upper offices and Courts, and the privilege of defying our law. Your committee is slow to credit so sweeping a charge. But the fact remains that the police do not see, the Prosecuting Attorney does not pursue, the Courts permit the most flagrant cases to be continued, and these abominations go on, and we can give no reason why.

We are constrained to commend this neglect to your attention, and to recommend such legislation as will inspire them with a higher sense of duty, and arm them with ample powers to correct these terrible abuses. The people of California are of one mind on this great issue, and the official staff of the State should take notice and plant their feet on the same side.

Your committee next proceeded to hear testimony as to Chinese immigration, and the powers and duties of the State in relation thereto. H. L. Knight, of San Francisco, was presented before your committee, and among other things said: "Few questions are more vital to the people of California than this of Chinese immigration. It will soon absorb all others, unless it can be settled as the people desire. Your party platforms promise, and you are all personally pledged to do all that the State may do, under the Constitution of our great country, to rid our State of any further influx of Chinese, and to induce those who are here to go hence and come no more. You have promised that you will inquire and find out what the State may do, and apply it with a fearless hand. Should this inquiry reach down to the foundations of our Government, and be the means of reminding the central power that our States have some reserved rights, and our people other reserved rights, which are not at the mercy of Washington, and be the means of better defining our Federal relations, and putting some restraints on centralization, you will not shrink from it. It is a dogma of one of the great political parties that States have certain rights which the Federal Government is bound to respect. There has been a tendency of late to forget this axiom. In many ways we have had good reason to complain and the sooner a better definition is attained the better it will be for us all. The Union is the strongest and the most secure when the just rights of all concerned are admitted and respected.

There is no question on which the people of California will yield you a more cordial support in demanding all that is right for the State than this of the Chinese. If you can show that Washington has assumed too much, gone too far, and overdone its utmost power in this Chinese treaty, that it is unauthorized, illegal, void, and should for that reason be set aside, the people will support you, and give you the palm and prestige you so much desire. I hope to convince you that the State has a plenary power over this Chinese immigration, and all treaties to the contrary are void, because unwarranted by the terms of the Constitution, and in defiance of some of its plainest stipulations. I hold these truths to be self-evident, or capable of an absolute demonstration:

"*First*—That all sovereign States have ever held, and do now proclaim, the right to exclude from a residence in their domain all persons obnoxious to them, and at their pleasure to banish, expel, and forbid the return of all such persons.

"*Second*—That when the armies of the King of England left these United States, each State at once took upon itself an absolute sovereignty, with all the rights pertaining to the same.

"*Third*—That when the Union was formed, each State yielded up to the Federal Government certain of these sovereign powers; and forbade the States to exercise certain others.

"*Fourth*—As to these powers, ceded and forbidden, the States were deprived of them; but as to all others, the States retained them intact, as at the first.

"*Fifth*—That the Federal Government could take no other or further powers without an amendment to the Constitution, ratified by three fourths of the States; and never by inference, implication, or construction.



"*Sixth*—That the power to regulate immigration was never granted to the Federal Government, and never forbidden to the States, and therefore remains with the State intact.

"*Seventh*—That the power to regulate naturalization could not include immigration, as the lesser cannot include the greater, and had it been so intended, it were easy to have said naturalization and immigration. It was not said, and the fair inference is that it was not intended.

"*Eighth*—That the power to regulate commerce stands in the same condition precisely, and if intended to include immigration would have said so.

"*Ninth*—From the fact that it was stipulated in the Constitution that citizens of the United States should be free to travel and settle in any State they might please, it is a fair inference that none others could be forced into a State without its permission. If the United States could infect whom they pleased, why this grant as to citizens?"

"*Tenth*—True, no State has ever seemed to use this right of exclusion, but a State loses no power by non-user. There originally never ceded away, it is there yet; and rests in the State of California, as in all other States.

"*Eleventh*—The treaty-making power could neither add to nor diminish the powers of the General Government. Only an amendment could do that, approved by the President, Senate, and House, and ratified by three fourths of the States.

"*Twelfth*—The treaty-making power is an inferior power to this, vastly inferior, and surely could not do what required all these.

"*Thirteenth*—The Constitution reads thus: 'This Constitution, Acts of Congress made in pursuance of it, and all treaties, shall be the supreme law of the land.' The treaties must be in pursuance of the Constitution. These words flow over to the treaty clause of necessity. The sense requires it. Reason and justice require it. The security of liberty requires it. The best sense of all mankind demand it. What! forced Congress to pass any Act 'not in pursuance of the Constitution,' and then clothe the President and Senate with a carte blanche to set aside all? Never! Our fathers never meant such a thing. The States would never have ratified such a constitution. We would not now grant such a power. The Republic and liberty are at an end if any treaty can be made, and held valid, that is not in harmony with the Constitution.

"*Fourteenth*—The regulation, then, of immigration, is with the State always, except as to citizens of the United States who expressly reserve to themselves the right to go to any State and settle therein, even against the will of the State—persons eligible for naturalization, seeking the country for that purpose, and in their period of probation, and commercial persons, permitted to reside and domicile for commercial purposes, and no other.

"*Fifteenth*—Any treaty pretending to admit any other than these persons, to any State of this Union, is therefore void, because it violates a reserved right of the sovereign citizen that he alone should go from State to State at his pleasure; it violates the reserved right of the State in this, that it forces a Chinaman into the State, whereas, the State only agreed to accept citizens, and it violates the Constitution of the country in this, that it assumes a power never granted to the entire Federal Government.

"In this regard a joint resolution of the Senate and Assembly, setting forth these facts, calling for their consideration, and a revise of all our foreign treaties affected thereby, would be highly commendable. At the same time the Attorney-General might be directed to make a case, force an issue in the Supreme Court of the nation, and let all men know that the people and State of California know their just rights and dare maintain them.

"The time is ripe, the whole nation is ready, should the Supreme Court take adverse ground, to carry the matter to the Congress and Senate, and declare that all treaties must be abrogated that pretend to force upon any State of this Union such cheap, servile, slave labor as that of the Chinese now flooding and ruining this State. Bills might be prepared in accordance with this view, forbidding the admission of even one more Chinaman, under any circumstances, to reside and make his living here in competition with our people.

"In view of the XIVth amendment to the Constitution of the United States, those who are here with lawful right, must have the equal protection of our law. But we can number them, give them certificates of their presence; and after that date catch and punish, and deport all found among us who have no certificate, on the ground that they have stolen over our borders without our permission, and invaders and brands have no rights we are bound to respect. Our State should at all times be a great highway for all the people of the world, of every race, color, religion or condition, to travel, and reside for a season, for their health, pleasure, amusement, education, or on any special mission or eccentric enterprise, for none to settle down, to live and make a living among our people, unless the State makes them welcome, or they come to us on the plea of citizenship or eligibility therefor."

Let us suppose now that all the foregoing is a mistake, not true, not logical, not law, not practical good sense, that the treaty is valid, and the supreme law, and the State and the people have no rights, but under the shadow of the Federal Courts, what then remains to us? What can we do to invite the absence of the Chinese, and discourage their coming?

Much! The Chinese are naturally a criminal people, so far as our laws and ways are concerned. Should our statutes be faithfully and fully executed by our officials, our country would not be tolerable for them, and most of them would soon speed away, never to return. We have others born here, or raised here, who would naturally fall into line with us, rather than return to China. But it is notorious that our laws, so far as the Chinese are concerned, are a mere farce. By some potent alchemy, they have the ear of



the police and the prosecuting officers. They escape where white men would be seized with avidity, and prosecuted with vigor. Our laws forbid slavery in any and every form. John is a great slaveholder, as well as a slave. Make it a felony for any person to claim or pretend to claim any other person as a slave, and punish every act to support such claim, and all who aid in its enforcement.

We are proud of our laws, which demand equal protection for all. John is much given to despise all that, to defy our law, to adjudge cases on Chinese law, and to enforce the same by threats, penalties, and even death. We might surely prosecute all such offenders against the majesty of the Republic as felons. Let us have a law to do so, and root them all out. This would touch their great companies, and perhaps drive them all from the State. We have a Restriction Act against John coming to our State, except through a regular channel. We are told that John steals over our borders, and otherwise swears himself in, and enters through false papers. And though he come as a merchant, a student, the nephew of his rich uncle, once in, we find him a rag-picker, or a day worker. We want a bill that at any time within two years, any person found guilty of said stealing in, or false swearing in, shall be deemed a felon, punished and deported. This would greatly discourage many of those who slip so easily through the Custom House and Court.

We would also recommend a law to give all Chinamen convicted of crime and sentenced to less than five years, the option of at once returning to China, to come no more. The Chinaman is a slave and a slaveholder. His form of slavery is varied, and based on various conditions and pretenses. It is feudal, family, and chattel; and may have still more forms that we do not comprehend. But it all flourishes in Chinatown, and is the basis of a great deal of crime, strife, litigation, and trouble. Our Courts are often used to enforce these claims. Why should we not forbid the whole of it, and make a law that it shall be a felony for any person to claim and exercise control over another in any manner or form unknown to and unauthorized by the laws of California, and a misdemeanor for any person to aid, abet, or be an accessory to the same. It is known that women and children, even white ones, are held and being raised as slaves for sale, and it is infamous that such things should be in the land of the free and the home of the brave. Let us suppress crime and slavery and we shall have done much to expel the Chinese.

Your committee were much impressed with the testimony given before it, and in particular the ideas advanced by Mr. Knight; and while not having considered the legal questions presented by Mr. Knight sufficiently to pass judgment thereon, your committee believes that he has suggested matters that are worthy of very serious consideration.

J. LENAHAN, Chairman.  
J. ROTH.  
B. V. SARGENT.  
P. J. CRIMMINS.  
H. C. GESFORD.  
W. H. PATTERSON.  
E. B. CONKLIN.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 245—Entitled "An Act to amend sections one thousand one hundred and eighty-three, one thousand one hundred and eighty-four, one thousand one hundred and eighty-five, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand one hundred and ninety, one thousand one hundred and ninety-two, one thousand one hundred and ninety-three, one thousand one hundred and ninety-four, one thousand one hundred and ninety-five, one thousand one hundred and ninety-six, one thousand one hundred and ninety-seven, one thousand two hundred and one, one thousand two hundred and two, and to repeal section one thousand two hundred and three of an Act of the Legislature of the State of California entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, all relating to liens of mechanics and others"—have had the same under consideration, and respectfully report the same back, together with a substitute therefor, and recommend the adoption of the substitute and the passage of the same.

Also, Senate Bill No. 341—Entitled "An Act to amend section four hundred and eighty-seven of an Act entitled an Act to establish a Penal Code," approved February 14, 1872, defining grand larceny—and have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that the substitute be adopted and passed.

Also, Senate Bill No. 333—Entitled "An Act to protect life and property against the careless and malicious use or handling of dynamite and other high explosives"—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend the adoption of the substitute, and that it do pass.

WHITE, Acting Chairman.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 265—Entitled an Act to amend an Act entitled "An Act to establish a State Board of Silk

Culture, and to provide moneys for the expenses thereof," approved March 18, 1885, in relation to the salary of officers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

MOFFITT, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 393—An Act for the relief of the heirs of the estate of George Horton, deceased, Maria Horton, administratrix, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, State of California—have had the same under consideration, and respectfully report the same back, with a substitute, and recommend that the substitute do pass.

Also, Senate Bill No. 393—An Act for the relief of the heirs of the estate of George Horton, deceased, Maria Horton, administratrix, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended by striking out of the printed bill, line three, the word "six," and substituting therefor the word "four."

MEANY, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 235—An Act relating to foreign insurance companies, and duties of the Insurance Commissioner—have had the same under consideration, and respectfully report the same back, amended, without recommendation.

Also, Senate Bill No. 141—An Act to amend the Political Code of California, by adding thereto a new section, to be known as section six hundred and thirty-five, prescribing the conditions precedent to conducting the business of solicitor of fire insurance, and defining the duties of Insurance Commissioner and insurance companies in relation thereto—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 143—An Act to amend section four hundred and nineteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to insurance corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GOUCHER, Chairman.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 284—Entitled "An Act appropriating two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCCUDDEN, Chairman.

RESOLUTION—(OUT OF ORDER).

Mr. Gesford had leave to introduce, out of order, the following:

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of J. Lenahan, for mileage account of Senate Committee on Chinese and Chinese Immigration, for the sum of one hundred dollars and eighty cents, as per statement herewith:

	Miles.	Amount.
Senator J. Lenahan—to San Francisco and return .....	168	\$16 80
Senator H. C. Gesford—to San Francisco and return .....	168	16 80
Senator J. Roth—to San Francisco and return .....	168	16 80
Senator B. V. Sargent—to San Francisco and return .....	168	16 80
Senator P. J. Crimmins—to San Francisco and return .....	168	16 80
Clerk S. J. Burke—to San Francisco and return .....	168	16 80
<b>Total</b> .....	<b>1,008</b>	<b>\$100 80</b>

# Referred to Committee on Attachés, Contingent Expenses, and Mileage.

## ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 39—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend the adoption of the substitute and that it do pass.

GESFORD, Chairman.

## SPECIAL ORDER.

Senate Bill No. 340—An Act to amend an Act entitled an Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums, approved March 3, 1885, by adding a new section thereto.

Ordered engrossed, and to a third reading.

Mr. Murphy moved a suspension of the rules, and that Senate Bill No. 340 be made the special order on Monday next, immediately after the disposition of Senate Bill No. 3, special order for that day.

Ayes and noes demanded by Messrs. McCarthy, Lenahan, and Goucher, and the motion to suspend the rules was lost by the following vote:

AYES—MESSRS. BYRNES, Gesford, Goucher, Haynes, Jones, Lenahan, McCarthy, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sullivan, and White—15.

NOES—MESSRS. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Dixon, Dray, Hall, Hinshaw, Langford, McCudden, Patterson, Rose, Sargent, Steele, Vrooman, Walrath, and Yell—20.

Mr. Bowers moved a suspension of the rules, and that Senate Bill No. 333 be read first time.

Ayes and noes demanded by Messrs. Boggs, Abbott, and Jones, and the motion to suspend the rules was lost by the following vote:

AYES—MESSRS. Bowers, Briceland, Byrnes, Caminetti, Dixon, Gesford, Goucher, Haynes, Jones, McCudden, McDonald, Meany, Moffitt, Murphy, Rose, Roth, and White—17.

NOES—MESSRS. Abbott, Boggs, Chandler, Conklin, Dray, Hall, Hinshaw, Lenahan, Patterson, Pinder, Sargent, Steele, Sullivan, Vrooman, Walrath, and Yell—16.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed:

Assembly Bill No. 75—An Act entitled an Act to regulate the practice of law in Police Courts, and Police Judges' Courts, in incorporated cities, and cities and counties, and to prescribe who may practice therein.

Assembly Bill No. 76—An Act entitled an Act to prevent running, capping, and soliciting for attorneys at law in this State.

Assembly Bill No. 430—An Act to provide for a contingent fund for the Assembly, for the twenty-seventh session of the Legislature.

F. D. RYAN, Chief Clerk.

FRANK W. MARSTON, Assistant Clerk.

Assembly Bills Nos. 75 and 76 severally referred to Committee on Judiciary.

Assembly Bill No. 430 read first time.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following Senate Concurrent Resolution:

Senate Concurrent Resolution No. 1—Relative to the distribution of text-books published by the State.

F. D. RYAN, Chief Clerk.

By FRANK J. BRANDON, Assistant Clerk.

Senate Concurrent Resolution No. 1 referred to Committee on Enrollment.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. Briceland: Senate Bill No. 377—An Act to repeal an Act entitled an Act to declare the Klamath River navigable.

Referred to Committee on Commerce and Navigation.

By Mr. Dray (by request): Senate Bill No. 378—An Act to establish a Home of Industry and Refuge for ex-convicts, and provide for the maintenance of the same.

Referred to Committee on State Prison and Prison Buildings.

By Mr. Haynes: Senate Bill No. 379—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Dixon (by request): Senate Bill No. 380—An Act to amend section three hundred and thirty of the Penal Code of California, relating to gaming.

Referred to Committee on Public Morals.

By Mr. McCarthy: Senate Bill No. 381—An Act to pay the claim of Richard O'Connor, for the permanent injury to his horse.

Referred to Committee on Claims.

By Mr. Vrooman: Senate Bill No. 382—An Act to create a permanent Code Commission.

Referred to Committee on Judiciary.

By Mr. Spellacy (by request): Senate Bill No. 383—An Act to appropriate money to pay the claim of Max Gumpel, for services rendered to the State as an expert during the trial of John S. Gray.

Referred to Committee on Claims.

By Mr. Pinder (by request): Senate Bill No. 384—An Act for the relief of James Toohey, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall along the port of San Francisco, in the State of California.

Referred to Committee on Claims.

By Mr. McCudden: Senate Bill No. 385—An Act to amend sections two and eleven of an Act entitled "An Act to amend sections three, four, nine, and eleven of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,'" approved April 15, 1880, so as to create an additional district.

Referred to Committee on Agriculture.



## SPECIAL FILE—THIRD READING.

Senate Constitutional Amendment No. 5—Proposing an amendment to section seven (7), of article nine (IX), of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

Consideration of same temporarily passed.

Senate Constitutional Amendment No. 3—Proposing an amendment to section two, of Article IV, of the Constitution of the State of California.

Read third time.

Roll was called, and the proposed amendment lost by the following vote:

AYES—MESSRS. Bowers, Briceland, Caminetti, Conklin, Crandall, Dixon, Gesford, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Pinder, Roth, Spellacy, Sullivan, and White—19.

NOES—MESSRS. Abbott, Boggs, Byrnes, Chandler, Dray, Hall, McDonald, Moffitt, Patterson, Rose, Steele, Vrooman, Walrath, Wilson, and Yell—15.

The same not having received a two-thirds vote.

Senate Bill No. 106—An Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

Read third time, and passed by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—32.

NOES—MESSRS. Byrnes, Caminetti, Goucher, and Pinder—4.

Title read and approved.

Senate Bill No. 192—An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.

Passed on file.

## SPECIAL FILE—SECOND READING.

Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller and Trustees of school districts as to apportionment of moneys, the enrollment of pupils in the Grammar School course, and to provide for the same, and to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, and one thousand six hundred and ninety-six of said Act, in relation to pupils enrolled in the Grammar School course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor.

Bill read second time, and committee amendments, as follows, considered, to wit:

1. In section one, fill blank after "of," and before "dollars" insert "three."

Adopted.

2. In line three, section two, printed copy, insert "course" between "school" and "is," which has been omitted.

Adopted.

3. In section four, subdivision fourth, between "and" and "the," in line seventeen, printed copy, insert "also."

Adopted.

4. In line eighteen, printed copy, section four, omit the comma after "fund," and fill blank, in same line, with "three."

Adopted.

5. Section six, line twenty-one, printed copy, fill blank with "44;" also, fill blank in line twenty-two, of same section, with "three."

Adopted.

6. In section six, line eighty-seven, insert in first blank, "1st," and in the second, "August."

Adopted.

Mr. Caminetti moved to further amend, as follows:

1. In section four, subdivision second, after the word "school," insert the words "and branch Normal Schools."

Adopted.

2. In section five, strike out the word "school," where it first appears, and insert, in lieu thereof, the word "county."

Adopted.

3. In section seven, first subdivision, insert, after the word "his," the words "or her."

Adopted.

The bill, so amended, was ordered engrossed, and to a third reading.

RECESS.

At twelve o'clock M. the President declared a recess, under the rules, until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.  
President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names: .

Messrs. Abbott, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

#### MOTION.

Mr. Moffitt moved to dispense with the provisions of section fifteen, of Article IV, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 430 be declared a case of urgency, and considered, read first and second times, and placed upon its passage.

The roll was called, and the motion carried by the following vote :

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—31.

NOES—Messrs. Crandall, Hinshaw, and Vrooman—3.

Assembly Bill No. 430 read first and second times—read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White—32.

NOES—None.

Title read and approved.

#### SPECIAL FILE—THIRD READING.

Senate Bill No. 231—An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to apportionment of school moneys.

Read first time.

#### MOTION TO POSTPONE NOTICE OF RECONSIDERATION.

Mr. Caminetti, having given notice of a motion to reconsider the vote whereby Senate Bill No. 65—An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven of the same Code, authorizing and regulating actions against the State of California—was passed on yesterday, at this time, moved to make such motion the special order for Monday next, immediately after the reading of the Journal.

Ayes and noes were demanded by Messrs. Caminetti, Gesford, and Abbott, and the motion prevailed by the following vote:

AYES—Messrs. Briceland, Caminetti, Conklin, Crandall, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, Murphy, Rose, Roth, Sargent, Steele, White, and Yell—18.

NOES—Messrs. Abbott, Boggs, Byrnes, Chandler, Dixon, Dray, Jones, McCarthy, Meany, Moffitt, Patterson, Pinder, Spellacy, Vrooman, Walrath, and Wilson—16.

## GENERAL FILE—(THIRD READING).

Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Passed on file.

## GENERAL FILE—(SECOND READING).

Senate Bill No. 47—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and seventy-three.

Passed on file.

Senate Bill No. 137—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor, and the duties of County Clerks in relation therewith.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 130—An Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 136—An Act to add a new section to the Political Code of the State of California, to be numbered section four thousand two hundred and twenty-five, in relation to duties of County Auditors.

Read second time, and committee's amendment, to strike out the word "October," in line twenty-four, section one, was adopted, and bill ordered engrossed, and to a third reading.

Senate Bill No. 12—An Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Mr. Crandall moved to amend, by adding, after the word "follows," in section one, the words "every Recorder must keep."

Adopted.

Mr. Abbott moved to amend section one, in line one, by inserting, after the word "Act," in line one, the words "entitled an Act."

Adopted.

The bill was then read second time, ordered engrossed, and to a third reading.

Assembly Bill No. 55—An Act to protect the manufacturing industries of this State.

Mr. Yell moved to strike out the enacting clause.

Mr. Jones moved, as an amendment, that the bill be passed on the file.

Mr. Gesford moved a call of the Senate.

On the motion of Mr. Gesford, the ayes and noes were demanded by Messrs. Goucher, Gesford, and McCarthy, and a call of the Senate was refused by the following vote:



AYES—Messrs. Caminetti, Conklin, Gesford, Goucher, Hall, Jones, McCarthy, Meany, Murphy, Roth, and White—11.

NOES—Messrs. Abbott, Boggs, Briceland, Byrnes, Chandler, Crandall, Dixon, Dray, Haynes, Hinshaw, Langford, Lenahan, McDonald, Moffitt, Patterson, Rose, Sargent, Spellacy, Steele, Vrooman, Walrath, Wilson, and Yell—23.

Upon the motion of Mr. Jones, that the bill be passed on the file, the ayes and noes were demanded by Messrs. Moffitt, Lenahan, and McCarthy, and the motion prevailed by the following vote:

AYES—Messrs. Briceland, Caminetti, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, and White—18.

NOES—Messrs. Abbott, Boggs, Byrnes, Chandler, Conklin, Crandall, Dixon, Hall, Patterson, Rose, Roth, Steele, Vrooman, Walrath, Wilson, and Yell—16.

Senate Bill No. 4—An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor. Bill read second time.

Mr. Jones moved to amend, as follows:

SECTION 1. There shall be established in the northern portion of this State a school, to be called the Northern Branch State Normal School of California, for the training and education of teachers in the art of instructing and governing the public schools of the State.

Mr. Yell offered the following substitute: Strike out the word "Shasta," wherever it occurs in the bill, and insert the word "Men-docino."

Ayes and noes demanded by Messrs. Goucher, Briceland, and Vrooman, and the substitute was lost by the following vote:

AYES—Messrs. Crandall, Goucher, McDonald, Moffitt, Murphy, Sargent, Spellacy, Vrooman, White, Wilson, and Yell—11.

NOES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, Meany, Patterson, Rose, Roth, Sullivan, and Walrath—23.

#### CALL OF THE SENATE.

Mr. Jones moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion of Mr. Jones, further proceedings under the call were dispensed with.

The question being upon the amendment hereinbefore offered by Mr. Jones, the ayes and noes were demanded by Messrs. Boggs, Jones, and Moffitt, and the amendment was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Crimmins, Dray, Gesford, Goucher, Hall, Jones, Lenahan, Meany, Moffitt, Murphy, Pinder, Rose, Sargent, Spellacy, Vrooman, Wilson, and Yell—22.

NOES—Messrs. Briceland, Conklin, Crandall, Dixon, Haynes, Hinshaw, McCarthy, McDonald, Patterson, Roth, Steele, Sullivan, Walrath, and White—14.

Pending further consideration of bill, on motion of Mr. Yell, it was ordered that the bill be passed on file.

Senate Bill No. 107—An Act to provide an additional Judge of the Superior Court of Tulare County.

Substitute reported by the committee adopted.

Title amended by eliminating therefrom the word "such," and in lieu thereof substituting the word "an."

The bill, so amended, was ordered engrossed, and to a third reading.

Senate Bill No. 123—An Act providing for the payment of the expenses of witnesses in criminal cases amounting to felony.

Read second time, and committee amendments, as follows, considered: Strike out all after the word "allowed," on line nineteen, page one, original bill, down to and including the word "subpoena," on page two, line eight, original bill, and insert, in lieu thereof, the following: "A per diem of two dollars for each day's attendance upon the Court, and mileage at the rate of twenty cents per mile from the place of residence of the witnesses to the place where the Court is held, mileage to be paid one way only."

Amendment adopted.

Mr. Meany offered to further amend, by inserting, in line one, section one, after the word "witnesses," the words "for the prosecution."

Pending consideration of Mr. Meany's amendment, Mr. Moffitt moved to strike out the enacting clause of the bill.

Mr. Goucher moved, as an amendment, that the bill be passed on file.

The motion was lost, upon a division vote being had.

Upon motion of Mr. Moffitt to strike out the enacting clause, the ayes and noes were demanded by Messrs. Moffitt, Goucher, and Sargent, and the motion prevailed by the following vote:

AYES—Messrs. Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Hinshaw, Lenahan, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Sullivan, Vrooman, Walrath, Wilson, and Yell—25.

NOES—Messrs. Briceland, Cammetti, Haynes, Jones, Langford, Sargent, Steele, and White—8.

Mr. Goucher gave notice that he would, at the next session of the Senate, move a reconsideration of the vote just had.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

### ON FORESTRY, YOSEMITE VALLEY, AND MARIPOSA BIG TREE GROVE.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove have prepared a bill entitled "An Act to provide for compensating certain parties for improvements within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to appropriate money therefor" and have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 330—An Act to ascertain the loss and damage suffered and sustained by the Coulterville and Yosemite Turnpike Company, a corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California, entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant, approved February 18, 1874," and for the relief of said Coulterville and Yosemite Turnpike Company—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 312—An Act to appropriate money for the preservation and improvement of Yosemite Valley and Mariposa Big Tree Grove—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 319—An Act to provide a water supply for the hotel constructed in Yosemite Valley, under Act of March 9, 1885, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 311—An Act to aid the Commissioners to manage the Yosemite

Valley and Mariposa Big Tree Grove, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend the substitute do pass.

Also, Senate Bill No. 310—An Act to provide for the deficiency in the appropriation for salary of the Guardian of the Yosemite Valley, for the thirty-sixth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOGGS, Chairman.

#### MOTION.

Mr. Dray moved that when the Senate adjourns this day, it be adjourned until Monday, the fourteenth instant, at two o'clock and thirty minutes P. M.

The ayes and noes were demanded by Messrs. Pinder, Sargent, and Meany, and the motion of Mr. Dray prevailed by the following vote:

AYES—Messrs. Boggs, Briceland, Chandler, Crandall, Dixon, Dray, Goucher, Hall, Jones, Langford, Lenahan, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, Wilson, and Yell—22.

NOES—Messrs. Abbott, Byrnes, Caminetti, Conklin, Gesford, Haynes, Hinshaw, McDonald, Moffitt, Pinder, Sullivan, and White—12.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Mr. Moffitt had leave to present, out of order, the following report:

##### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments to whom was referred Senate Bill No. 229—An Act to amend an Act entitled an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883, and to add certain sections thereto and repeal certain sections thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

MOFFITT, Chairman.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By consent, bills were introduced out of order, read by title, and referred as follows:

By Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove: Senate Bill No. 386—An Act to provide for compensating certain parties for improvements within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to appropriate money therefor.

On file.

By Mr. Conklin: Senate Bill No. 387—An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Referred to Committee on Public Buildings other than Prison Buildings.

By Mr. Steele (by request): Senate Bill No. 388—An Act to appropriate money to aid the San Francisco Girls' Union, an incorporated society, in establishing a manual training school for the self-dependent girls of California.

Referred to Committee on Education.

#### RESOLUTIONS—(OUT OF ORDER).

By consent, resolutions, out of order, were introduced and disposed of as follows:

By Mr. Pinder:

*Resolved*, That Edward Barton be and he is hereby allowed four dollars per diem from the date of his appointment, to wit: January 6, 1887, for services as Messenger to the sergeant-at-arms.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Sullivan:

*Resolved*, That the State Printer be and he is hereby instructed to forthwith print Substitute for Senate Bill No. 79, as recommended by the Committee on Claims.

Adopted.

#### MOTION.

Mr. Moffitt moved to take up Assembly messages.  
So ordered.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 164—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relative to personal property mortgages.

FRANK D. RYAN, Chief Clerk.  
Per FRANK W. MARSTON, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Joint Resolution No. 11 relative to proposed removal of United States Surveyor-General's office from California to Washington.

FRANK D. RYAN, Chief Clerk.  
Per FRANK W. MARSTON, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz:

Assembly Bill No. 29—An Act to amend sections two thousand six hundred and forty-one, two thousand six hundred and forty-two, and two thousand six hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the powers and duties of highway officers, to the appointment of, and oath, and bond of Roadmasters or Road Overseers.

Assembly Bill No. 122—An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine, and six hundred and thirty of the Political Code of this State, all of said sections relating to insurance.

Assembly Bill No. 8—An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code in relation to insurance," approved April 1, 1878.

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing certain corporations to act as executor and in other capacities.

Assembly Bill No. 10—An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two.

Assembly Bill No. 178—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure, relative to attachments.

Assembly Bill No. 181—An Act to amend section four hundred and eight of the Code of Civil Procedure of the State of California, relating to the issuing of alias summons.

Assembly Bill No. 158—An Act to amend section seven of the Insolvent Act of 1880.

F. D. RYAN, Chief Clerk.  
Ed. J. SMITH, Assistant Clerk.



ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following Assembly Joint Resolutions, viz:

Assembly Joint Resolution No. 4—Relative to land laws applying to timber lands.

Assembly Joint Resolution No. 5—Relative to improving the bar at the mouth of Eel River.

Assembly Joint Resolution No. 6—Relative to securing an appropriation for coast defenses.

F. D. RYAN, Chief Clerk.

ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 164, 178, 181, and 158, severally referred to Committee on Judiciary.

Assembly Joint Resolution No. 11, relative to proposed removal of United States Surveyor-General's office from California to Washington, was adopted.

Assembly Bill No. 29 referred to Committee on Roads and Highways.

Assembly Bill No. 122 referred to Committee on Corporations.

Assembly Bills Nos. 8, 9, and 10, respectively, substituted for Senate Bills Nos. 95, 96, and 94.

Assembly Joint Resolution No. 4, relative to land laws, applying to timber lands, referred to Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

Assembly Joint Resolution No. 5, relative to improving the bar at the mouth of Eel River, adopted.

Assembly Joint Resolution No. 6, relative to securing an appropriation for coast defenses, referred to Committee on Harbors, Rivers, and Coast Defenses.

#### LEAVE OF ABSENCE.

At the request of Mr. Sargent, the Committee on Fish and Game were granted leave of absence until Tuesday next.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 340—An Act to amend an Act entitled "An Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums," approved March 3, 1885, by adding a new section thereto.

Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller and Trustees of school districts as to apportionment of moneys, the enrollment of pupils in the Grammar School course, and to provide for the same.

Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor.

DIXON, Chairman.

#### MOTION.

Mr. Steele moved that the substitute for Senate Bill No. 39 be ordered printed.

So ordered.

## REPORTS—OUT OF ORDER.

## ON FISH AND GAME.

Mr. Sargent had leave to report, out of order, as follows:

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 69—"An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Assembly Bill No. 70—"An Act to amend section six hundred and thirty-six of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the preservation of fish"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

SARGENT, Chairman.

## NOTICE OF RECONSIDERATION.

By Mr. Steele, as follows: I hereby give notice that I will, on tomorrow, move to reconsider the vote whereby the Senate refused to pass Senate Constitutional Amendment No. 3.

Mr. Wilson in the chair.

Mr. Caminetti moved a suspension of the rules, for the purpose of considering a motion to amend the rules, in accordance with previous notice.

So ordered.

Mr. Caminetti then moved an amendment to the Standing Rules of the Senate, providing for evening sessions, as follows:

Evening sessions of the Senate shall be held on and after Monday, February 14, 1887, to commence at seven o'clock and thirty minutes p. m., daily; *provided*, that no session be held on Sunday.

Upon the adoption of such proposed amendment to the rules, the roll was called, and the motion to amend the rules, as aforesaid, was lost by the following vote:

AYES—Messrs. Abbott, Hall, Hinshaw, Jones, McDonald, Rose, Roth, Sargent, Steele, Sullivan, Walrath, White, and Yell—13.

NOES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Lenahan, Meany, Murphy, Patterson, Vrooman, and Wilson—17.

There not being a three-fifths vote, Mr. Caminetti gave notice that he would, at the next session of the Senate, move a reconsideration of the vote whereby his amendment above referred to was lost.

Mr. Crandall called up his resolution for an amendment to the standing rules of the Senate, as follows:

*Resolved*, That Rule XLIII of the Senate be and is hereby amended by adding thereto the following, to wit: "The Clerk shall cause to be made copies of all bills originating in and passed by the Assembly, when received by him, and have two hundred copies of each of said bills printed; and that printed copies be placed on Senators' desks."

Referred to Committee on Rules.

## MOTION.

Mr. Caminetti moved to take up, out of order, Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other high explosives.

So ordered.

Senate Bill No. 333, read first time, and ordered on Special File.

RESOLUTION—(OUT OF ORDER).

By Mr. Murphy, as follows:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Union Ice Company for thirty-two dollars and sixty cents, due for ice furnished the Senate during the month of January.

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for three dollars, the same having been expended by him in the purchase of a rug mat for the use of the Senate.

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms on the Contingent Fund for two dollars and fifty cents, expended by him in the purchase of a hot water bag for the use of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ADJOURNMENT.

Thereupon, at five o'clock and ten minutes p. m., on motion of Mr. Bowers, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,  
Monday, February 14, 1887. }

At two o'clock and thirty minutes p. m., the Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crummins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Moffitt, Patterson, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of Friday last read and approved.

LEAVE OF ABSENCE.

Mr. Hall was granted two days' leave of absence, and Mr. McCudden leave of absence until to-morrow.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 136—An Act to add a new section to the Political Code of the State of

California, to be numbered section four thousand two hundred and twenty-five, in relation to duties of County Auditors.

Senate Bill No. 130—An Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Senate Bill No. 12—An Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Senate Bill No. 137—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for the Governor and Lieutenant-Governor, and the duties of County Clerks in relation therewith.

Substitute for Senate Bill No. 107—An Act to increase the number of Judges of the Superior Court of the County of Tulare, State of California, and for the appointment of an additional Judge.

Substitute for Senate Bill No. 192—An Act appropriating the sum of sixty-five thousand dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.

SPELLACY, Chairman.

#### MOTION.

Mr. Moffitt moved that the consideration of Senate Bill No. 65, made the special order for this hour, be postponed until after the order of business, "Introduction of Bills," shall be passed.

So ordered.

#### PETITIONS.

Petitions were presented as follows:

By Mr. Moffitt: From residents of Oakland, against the passage of certain bills pending before the Legislature in relation to fire insurance.

Petition ordered on file.

By Mr. Clunie: From business firms and citizens of San Francisco, numerously signed, in favor of the passage of Senate Bill No. 59, introduced by Mr. Clunie, in relation to the insurance compact system.

Ordered placed on file.

#### REPORTS OF STANDING COMMITTEES.

##### ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1887.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Substitute for Senate Bill No. 158—Entitled an Act to repeal an Act entitled an Act to provide a system of irrigation, promote rapid drainage, and improve the irrigation of the Sacramento and San Joaquin Rivers, approved March 20, 1875—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 3—Entitled an Act to repeal section numbered one thousand four hundred and twenty-two, of Title VIII, of Part IV, of division second, of the Civil Code of California—have had the same under consideration, and respectfully report the same back, and recommend that, in addition to amendments already proposed, the following amendments be made:

1. Add to section one the following: "Provided, that the repeal of this section shall not in any way interfere with any rights already vested."

2. Add to the title the following: "and to reserve from the operation of said repeal rights already vested."

WHITE, Chairman.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 14, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 348—Entitled an Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 6—Entitled an Act to amend section two hundred and ninety-



seven of the Code of Civil Procedure of the State of California—and recommend that it do not pass.

Also, Senate Bill No. 53—Entitled an Act to amend section one thousand six hundred and sixty-seven of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to the distribution of estates of non-resident decedents dying testate—and recommend that it do pass.

Also, Senate Bill No. 52—Entitled an Act relating to insurance, to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, as amended by an Act entitled an Act to amend the Civil Code, relative to insurance, approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two—and respectfully report the same back, without recommendation.

Also, Senate Bill No. 100—Entitled an Act to amend section seven hundred and ninety-one of the Political Code of the State of California, relating to Notaries Public—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 81—Entitled an Act relating to insurance, to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, as amended by an Act entitled an Act to amend the Political Code, in relation to insurance, approved April 1, 1878—and respectfully report the same back, without recommendation.

Also, Senate Bill No. 82—Entitled an Act relating to insurance, to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, as amended by an Act entitled an Act to amend the Civil Code, relative to insurance, approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two—and report the same back, without recommendation.

Also, Senate Bill No. 83—Entitled an Act to amend an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing corporations to act as executor, and in other capacities—and report the same back, without recommendation.

Also, Senate Bill No. 104—Entitled an Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges to jurors in criminal cases—and recommend that it do not pass.

Also, Senate Bill No. 131—Entitled an Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges—and report the same back, with a majority report that it do not pass.

Also, Senate Bill No. 142—Entitled an Act to amend section three thousand six hundred and seven of the Political Code of the State of California, relating to property subject to taxation—and report the same back, with a majority report that it do not pass.

Also, Senate Bill No. 154—Entitled an Act to amend the title and section one of an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, so as to have the said Act relate to actions for malpractice in surgery or medicine—and recommend that it do not pass.

Also, Senate Bill No. 184—Entitled an Act to repeal an Act entitled an Act to regulate the erection of public buildings and structures, approved April 1, 1872—and recommend that it do pass.

Also, Senate Bill No. 196—Entitled an Act to amend section one thousand six hundred and twenty-four of the Civil Code, as amended by an Act entitled an Act to amend section one thousand six hundred and twenty-four of the Civil Code, approved March 9, 1878—and recommend that it do not pass.

Also, Senate Bill No. 240—Entitled an Act to authorize the State Treasurer to transfer the sum of three thousand three hundred and six dollars and seventy-two cents from the State Drainage Construction Fund to the General Fund, to reimburse the General Fund in that amount for moneys paid from it, upon outstanding warrants against the State Drainage Construction Fund, under an Act of the Legislature, approved March 10, 1885, entitled an Act to appropriate money to pay indebtedness incurred under an Act entitled an Act to promote drainage, approved April 23, 1880—and recommend that it do pass.

Also, Senate Bill No. 242—Entitled an Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by adding a new section thereto, to be numbered section two hundred and sixty-eight, relative to the seduction of unmarried females under the age of twenty years—and report the same back, without recommendation.

Also, Senate Bill No. 325—Entitled an Act to amend section one of an Act entitled an Act in relation to foreign corporations, approved April 1, 1872, and to more clearly define the time within which a foreign corporation may designate a person on whom process can be served—and recommend that it do pass.

Also, Senate Bill No. 292—Entitled an Act to amend section three thousand three hundred and sixty of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to damages in cases of libel or slander—and report the same back, without recommendation.

Also, Senate Bill No. 298—Entitled an Act to amend section seventy-three of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to the time when and place where sessions of the Superior Court shall be held—and recommend that it do pass.

Also, Senate Bill No. 309—Entitled an Act to amend section two hundred and two of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to jurors—and recommend that it do pass, as amended.

Also, Senate Bill No. 314—Entitled an Act to amend section five hundred and two of the Penal Code—and recommend that it do not pass.

Also, Senate Bill No. 337—Entitled an Act to add a new section to the Political Code, to be known as section three thousand two hundred, relating to trademarks—and recommend that it do pass.

Also, Senate Bill No. 332—Entitled an Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1883, and to add to Article II of section four thousand and forty-five, relating to the general permanent powers of Boards of Supervisors and fixing licenses, and recommend that it be referred to the Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 335—Entitled an Act to amend sections nine hundred and thirty-nine, nine hundred and forty-three, and nine hundred and sixty-three of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to appeals in general and to the Supreme Court—and recommend that it do pass, as amended.

Also, Senate Bill No. 254—Entitled an Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department—and recommend that it be referred to the Committee on Constitutional Amendments.

Also, Senate Bill No. 372—Entitled an Act to amend section one thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the duty of the Court in probate cases, to make provision for the family of the decedent, and to set apart the property of the decedent, when the inventory shows the value of the estate not to exceed fifteen hundred dollars, and to provide for the vesting of the title of the property so set apart—and report the same back, without recommendation.

Also, Senate Bill No. 373—Entitled an Act to amend section four hundred and eight of the Code of Civil Procedure of the State of California, relating to the issuing of alias summons—and report the same back, without recommendation.

Also, Assembly Bill No. 5—Entitled an Act to amend sections one thousand four hundred and sixty-nine, one thousand four hundred and ninety, and one thousand five hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to settlement of the estates of deceased persons—and recommend that it do pass, as amended.

Also, Assembly Bill No. 37—Entitled an Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses—and recommend that it do pass.

Also, Assembly Bill No. 51—Entitled an Act to amend section one thousand one hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the taking of acknowledgments—and recommend that it do pass, as amended.

Also, Assembly Bill No. 31—Entitled an Act to add a clause to section one thousand three hundred of the Code of Civil Procedure, relative to wills executed by married women—and recommend that it do pass, as amended.

Also, Assembly Bill No. 36—Entitled an Act to amend section eight hundred and ninety-two of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relative to the time for entering judgment in Justices' Courts—and recommend that it do pass.

Also, Assembly Bill No. 181—Entitled an Act to amend section four thousand and eight of the Code of Civil Procedure of the State of California, relating to the issuing of alias summons—and recommend that it do pass.

Also, Assembly Bill No. 88—Entitled an Act to amend section one thousand one hundred and twenty-seven of the Political Code, relating to the establishing of election precincts—and recommend that it do pass.

Also, Assembly Bill No. 75—An Act entitled "An Act to regulate the practice of law in Police Courts and Police Justices' Courts in incorporated cities, and cities and counties, and to prescribe who may practice therein"—and recommend that it do pass.

Also, Assembly Bill No. 76—An Act entitled "An Act to prevent running, capping, and soliciting for attorneys at law in or around Police Courts, Police Justices' Courts, or City Prisons, in incorporated cities, or cities and counties"—and recommend that it do pass.

Also, Assembly Bill No. 35—Entitled an Act for the better protection for settlers on public lands of the United States within the State of California, and for the protection and encouragement of persons desirous of settling thereon—and recommend that it do pass, as amended.

Also, Assembly Bill No. 68—Entitled an Act to amend section six hundred and ninety of the Code of Civil Procedure, relative to property exempt from execution—and recommend that it do not pass.

Also, Senate Bill No. 261—Entitled an Act to add a new chapter to the Civil Code of the State of California, to be known as Chapter VIII, of Title XIV, of Part IV, of Division III, and new sections to said Code, to be known as sections three thousand and eighty-one and three thousand and eighty-two, relating to the duties and liabilities of persons carrying on business as pawnbrokers or pledgees—and recommend that it do pass.

Also, Senate Bill No. 266—Entitled an Act to amend sections two thousand two hundred and ten, two thousand two hundred and eleven, two thousand two hundred and twelve, and two thousand two hundred and thirteen of the Political Code—and recommend that it do not pass.

Also, Senate Bill No. 275—Entitled an Act to amend section three thousand five hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public lands—and recommend that it do not pass.

Also, Senate Bill No. 277—Entitled an Act to amend section one thousand and twenty-one of the Code of Civil Procedure of this State—and recommend that it do not pass.

Also, Senate Bill No. 177—Entitled an Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to Article VI, of Chapter II, Title VIII, of said Code, to be known as section two thousand two hundred and ninety, relating to legal proceedings in cases of trusts—and recommend that it do pass.

WHITE, Acting Chairman.

Senate Bill No. 332, reported by the Judiciary Committee, was referred to the Committee on Counties, County Government, and Township Organization.

Senate Bill No. 254, also reported by the Judiciary Committee, referred to the Committee on Constitutional Amendments.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Concurrent Resolution has been correctly enrolled:

Concurrent Resolution No. 1—Relative to distribution of text-books published by the State.

ROTH, Chairman.

By Mr. Boggs: From Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, a verbal report reporting back, without recommendation, Senate Bill No. 233.

##### BILLS WITHDRAWN.

Mr. Goucher had leave to withdraw Senate Bill No. 233.

Mr. Conklin had leave to withdraw Senate Bill No. 90.

Mr. White had leave to withdraw Senate Bill No. 373.

Mr. Crandall had leave to withdraw Senate Bill No. 100.

Mr. Clunie had leave to withdraw Senate Bill No. 215, and his request to have substituted therefor Senate Bill No. 291 was granted.

##### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 14, 1887. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 49—Entitled an Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation, and the creation of a fund therefor.

WASHINGTON BARTLETT, Governor.

##### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the ninth day of February, adopted Assembly Joint Resolution No. 1—Relative to forfeiture of railroad land grants in certain counties.



Also, February eleventh, passed Assembly Bill No. 74—An Act to amend section one thousand three hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the order of persons entitled to administer the estates of deceased persons.

Also, February eleventh, passed Assembly Bill No. 41—An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by adding a new section thereto, to be known and numbered as section two thousand six hundred and forty-six, relating to roads and highways.

FRANK D. RYAN, Chief Clerk.

Per FRANK W. MARSTON, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Joint Resolution No. 1 was referred to Committee on Federal Relations.

Assembly Bill No. 74 referred to Committee on Judiciary.

Assembly Bill No. 41 referred to Committee on Roads and Highways.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By the Committee on Chinese and Chinese Immigration: Senate Bill No. 389—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections numbers one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

On file.

By Mr. Moffitt: Senate Bill No. 390—An Act to create the County of San Leandro, to define its boundaries, and to provide for its organization.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Clunie: Senate Bill No. 391—An Act to provide for and regulate the collection of wharfage, and to abolish the collection of tolls by the Board of State Harbor Commissioners on the waterfront of the City and County of San Francisco.

Referred to Committee on Commerce and Navigation.

Also, Senate Bill No. 392—An Act to authorize the Board of State Harbor Commissioners to execute leases of lands belonging to the State within their jurisdiction and control.

Referred to Committee on Commerce and Navigation.

Also, Senate Bill No. 393—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands and lands within their jurisdiction, along the waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Referred to Committee on Commerce and Navigation.

By Mr. Caminetti: Senate Bill No. 394—An Act providing for the construction of fishways, defining the duties of Clerks of the Board of Supervisors in relation thereto; also, of the Board of Supervisors of the different counties in the State; also, of owners of dams across rivers, or streams, and fixing certain penalties for a failure to conform to the provisions thereof.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 395—An Act providing for the construction of fishways.

Referred to Committee on Fish and Game.

By Mr. Gesford (by request): Senate Bill No. 396—An Act to amend



section one thousand four hundred and seventy-four of the Code of Civil Procedure of the State of California.

Referred to Committee on Judiciary.

By Mr. Hall: Senate Bill No. 397—An Act to amend section five of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town, therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885.

Referred to Committee on Irrigation.

By Mr. White: Senate Bill No. 398—An Act to promote correct conveyancing.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 399—An Act to regulate the management and control of irrigating ditches.

Referred to Committee on Irrigation.

By Mr. Goucher: Senate Bill No. 400—An Act to amend an Act entitled "An Act for the protection of miners," approved March 16, 1872.

Referred to Committee on Mines, Drainage, and Mining Debris.

Also, Senate Bill No. 401—An Act to prevent cattle and live stock from running at large on the public roads and highways of this State.

Referred to Committee on Roads and Highways.

By Mr. Wilson (by request): Senate Bill No. 402—An Act to provide for the payment to the estate of Miss Aurelia Pfeiffer, for water taken and appropriated from her land by the State University at Berkeley.

Referred to Committee on Claims.

#### SPECIAL ORDER.

Senate Bill No. 65—An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as sections number three hundred and ninety-one and one thousand and forty, and amending sections three hundred and ninety-four and four hundred and eleven of the same Code, authorizing and regulating actions against the State of California.

The question being upon the motion to reconsider the vote by which the bill was passed, Mr. Clunie moved to indefinitely postpone the motion to reconsider.

The ayes and noes were demanded by Messrs. White, Caminetti, and Gesford, and the motion to indefinitely postpone prevailed by the following vote:

AYES—MESSRS. BYRNES, CHANDLER, CLUNIE, CRIMMINS, DIXON, DRAY, GOUCHER, LENAHAN, MCCARTHY, MOFFITT, PATTERSON, ROTH, SPELLACY, VROOMAN, WALRATH, and WILSON—16.

NOES—MESSRS. ABBOTT, BOWERS, BRICKLAND, CAMINETTI, CONKLIN, CRANDALL, GESFORD, HAYNES, HINSHAW, McDONALD, ROSE, STEELE, and WHITE—13.

#### SECOND SPECIAL ORDER.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two of Title VIII, of the Civil Code of California.

The question being on the adoption of the substitute offered by Mr. Langford.

Pending consideration of the question, Mr. Steele moved to take

up the notice of a motion to reconsider the vote by which Senate Constitutional Amendment No. 3 was lost on Friday last.

So ordered.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Caminetti, Walrath, and Abbott, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, McCarthy, McDonald, Rose, Roth, Spellacy, Steele, Sullivan, Walrath, and White—25.

NOES—Messrs. Crandall, Lenahan, and Patterson—3.

Whereupon, Mr. Caminetti moved that Senate Constitutional Amendment No. 3 take its place on the file.

So ordered.

Mr. Caminetti moved to reconsider the vote whereby his proposed amendment to the Standing Rules of the Senate, providing for evening sessions, was lost, on Friday last.

So ordered.

On the adoption of the proposed amendment, as follows:

Evening sessions of the Senate shall be held on and after Thursday, February 17, 1887, to commence at seven o'clock and thirty minutes P. M., daily; *provided*, that no session be held Sunday.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Meany, Patterson, Rose, Roth, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—31.

NOES—Mr. Vrooman—1.

#### CONSIDERATION OF SENATE BILL No. 3 (RESUMED).

On the adoption of the substitute offered by Mr. Langford, the ayes and noes were demanded by Messrs. Caminetti, Abbott, and Walrath.

Mr. Bowers moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Meany, Mollitt, Patterson, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Further proceedings under the call dispensed with.

#### LEAVE OF ABSENCE.

Messrs. Jones, Yell, and Murphy were granted each one day's leave of absence.

Upon the adoption of Mr. Langford's substitute, the roll was called, and the Senate refused to adopt the substitute by the following vote:

AYES—Messrs. Boggs, Briceland, Chandler, Conklin, Crandall, Dixon, Dray, Haynes, Hinshaw, Langford, Roth, Steele, and Vrooman—13.

NOES—Messrs. Abbott, Bowers, Byrnes, Caminetti, Clinie, Crimmins, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Mollitt, Patterson, Rose, Spellacy, Sullivan, Walrath, White, and Wilson—20.

Mr. Crandall moved to adjourn.

Ayes and noes demanded by Messrs. Caminetti, Dray, and Gesford, and the motion to adjourn was lost by the following vote:

AYES—Messrs. Briceland, Conklin, Crandall, Haynes, Langford, Lenahan, Steele, Vrooman, Walrath, and Wilson—10.

NOES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Crimmins, Dixon, Dray, Gesford, Goucher, Hinshaw, McCarthy, McDonald, Meany, Moffitt, Patterson, Rose, Roth, Spellacy, Sullivan, and White—23.

The question being on the amendment reported by the committee. Pending consideration, Mr. Steele moved to adjourn.

Ayes and noes demanded by Messrs. Caminetti, Bowers, and White, and the motion to adjourn was lost by the following vote:

AYES—Messrs. Boggs, Chandler, Conklin, Crandall, Crimmins, Dray, Haynes, Hinshaw, Langford, Meany, Steele, Vrooman, Walrath, and Wilson—14.

NOES—Messrs. Abbott, Bowers, Byrnes, Caminetti, Clunie, Dixon, Gesford, Goucher, Lenahan, McCarthy, McDonald, Moffitt, Patterson, Rose, Roth, Spellacy, Sullivan, and White—18.

Mr. White moved the previous question.

The motion for the previous question was not seconded.

#### ADJOURNMENT.

Thereupon, at six o'clock and twenty minutes P. M., on motion of Mr. Clunie, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, February 15, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Byrnes, Chandler, Clunie, Crandall, Crimmins, Dray, Haynes, Langford, Lenahan, McCarthy, Rose, Roth, Sullivan, Vrooman, Walrath, and White.

There not being a quorum present—only sixteen Senators having answered to their names—the President declared a recess of five minutes.

#### REASSEMBLED.

At ten o'clock and five minutes A. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

### ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 11, 1887.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 138—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 336—Relating to the destruction of coyotes—have had the same under consideration, and respectfully report the same back, as amended, without recommendation.

DIXON, Chairman.

### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 343—Entitled an Act to add two new sections to the Political Code, to be known and numbered as sections three thousand two hundred and three thousand two hundred and one, relating to trademarks, the use and adoption of the same, and the person who, and the manner by which said trademark and the rights thereunder may be protected—and recommend that it do pass.

Also, Assembly Bill No. 46—Entitled an Act amending sections one thousand one hundred and eighty-three and one thousand one hundred and eighty-seven of the Code of Civil Procedure of the State of California, relating to the liens of mechanics and others—reported back without recommendation.

Also, Senate Bill No. 149—Entitled an Act to designate the quality of goods manufactured and prepared in the State of California, and to require manufacturers to stamp upon their products and manufactures the class of labor employed in their preparation—and majority recommend that it do pass.

Also, Senate Bill No. 376—Entitled an Act to regulate and fix the charges and fees of Sheriffs throughout the State of California, for keeping property—and recommend that it do pass.

CLUNIE, Chairman.

### ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 14, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Luke Kavanaugh be and he is hereby allowed the sum of twenty dollars and eighty cents, payable out of the Contingent Fund of the Senate, for services rendered the Committee on Claims, as shorthand reporter, in taking and transcribing testimony before said committee, and the Controller is hereby directed to draw his warrant for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Mollitt, Murphy, Patterson, Rose, Roth, Spellacy, Vrooman, Walrath, and White—28.

NOES—None.

Also, the following:

*Resolved*, That John W. Wilcox, Sergeant-at-Arms, be and he hereby is allowed the sum of twenty dollars and eighty cents for service and mileage in the matter of service of subpoenas on Drury Melone and Newton Booth, witnesses before the Committee on Claims of the Senate, and the Controller is directed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

On the adoption of the resolution above reported, the roll was called, and the resolution adopted by the following vote:



AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Vrooman, Walrath, and White—29.

NOES—None.

Also, the following:

*Resolved*, That a warrant be drawn on the Contingent Fund of the Senate for the sum of fifteen dollars in favor of John A. Carroll, as payment for services as shorthand reporter to Committee on State Prisons at San Quentin, January 22, 1887—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

On adoption of resolution above reported, the roll was called, and resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—29.

NOES—None.

Also, the mileage account of the Committee on Education—having had the same under consideration, beg to report the following resolution and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators Gesford, Caminetti, Hall, Conklin, and Clerk McConnell, of the Committee on Education, for twenty-eight dollars and twenty cents each, due them as mileage for visiting public institutions at Oakland, Berkeley, and San José, a distance of two hundred and eighty-two miles.

On the adoption of the resolution above reported, the roll was called, and resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—30.

NOES—None.

Also, the mileage account of the Committee on Harbor, River, and Coast Defenses—having had the same under consideration, beg respectfully to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators Langford, Byrnes, Crimmins, Pinder, Spellacy, and Clerk McCarthy, of the Committee on Harbor, River, and Coast Defenses, for sixteen dollars and eighty cents each, due as mileage for visiting the fortifications of San Francisco, they having traveled one hundred and sixty-eight miles.

On the adoption of the resolution above reported, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Vrooman, Walrath, and White—27.

NOES—None.

Also, the mileage account of the Committee on Public Buildings other than Prison Buildings—having had the same under consideration, respectfully report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators McCudden and Abbott, and Clerk Ryan, of the Committee on Public Buildings other than Prison Buildings, for the sum of ninety-five dollars and sixty cents each, they having traveled to Los Angeles to visit the Branch Normal School, a distance of nine hundred and fifty-six miles.

On the adoption of the resolution above reported, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gesford, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Vrooman, Walrath, and White—25.  
 NOES—None.

Also, the following:

*Resolved*, That the sum of one hundred and thirty-nine dollars and ten cents be appropriated out of the Contingent Fund of the Senate, to pay J. C. Mulligan for services rendered in reporting and transcribing evidence taken before the Committee on Claims, as per bill annexed, and the Controller is hereby directed to draw his warrant for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

On the adoption of the resolution above reported, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Patterson, Rose, Roth, Steele, Vrooman, Walrath, and White—24.  
 NOES—None.

#### RESOLUTIONS WITHDRAWN.

Mr. Murphy had leave to withdraw two resolutions introduced by him on Friday last.

#### CONSIDERATION OF REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 6—Relative to the employment of Captain John Mullan to represent the State of California in the collection of certain moneys due from the United States to this State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that the resolution therein referred to contains nothing relating to the five per cent net proceeds of the sale of the public lands, by the United States, in this State.

GESFORD, Chairman.

On the adoption of the report, a vote was had, the report being rejected.

Mr. Vrooman moved the adoption of Senate Concurrent Resolution No. 6, adversely reported upon by the committee.

Pending consideration of Mr. Vrooman's motion, Mr. Wilson had unanimous leave to withdraw the resolution under consideration.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 208—An Act to pay the claim of J. S. Lottritz.

Also, Senate Bill No. 246—An Act for the relief of Wilson Deletta, for personal injuries sustained by him while in the employ of the State.

Also, Senate Bills Nos. 249 and 305—Acts for the relief of Esther H. Dennis.

Have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 283—An Act to amend an Act entitled "An Act to appropriate the sum of thirty-four thousand four hundred and nineteen dollars and forty cents to pay the amount found by the Sixth Judicial Court to be due Mr. Miles and his sureties, for work done under contract in building the State Prison at Folsom," approved March 10, 1885. have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 315—An Act providing for the payment to John L. Cooke and

William Gutenberger for work and labor performed upon and materials furnished in the construction of the Branch State Prison at Folsom.

Also, Senate Bill No. 290—An Act to appropriate the sum of two thousand seven hundred and twenty-five dollars and twenty cents to Wells, Fargo & Co.'s Bank, for advances made to the State Mining Bureau upon the order of Henry G. Hanks, Esq., while State Mineralogist.

And recommend that they do not pass.

MEANY, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. White (by request): Senate Bill No. 403—An Act to amend section ninety-two of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to causes for divorce, and to add a new section to said Code, to be numbered one hundred and eight, relating to the effect of confinement in the California Hospital for the Chronic Insane upon an application for divorce, and regarding the rules of evidence in such cases.

Referred to Committee on Judiciary.

By Mr. Spellacy: Senate Bill No. 404—An Act to regulate the manufacture of canned goods, and compel the stamping thereon of the date of canning.

Referred to Committee on Judiciary.

By Mr. Wilson (by request): Senate Bill No. 405—An Act relating to the dissolution and modification of injunctions and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure.

Referred to Committee on Judiciary.

#### SPECIAL ORDER.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California.

Consideration of which was pending when the Senate adjourned on yesterday, at this time, resumed, the question being on the adoption of the amendment reported by the committee.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Chandler, Clunie, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Lenahan, McCarthy, Meany, Murphy, Patterson, Roth, Sullivan, Walrath, and White—21.

NOES—Messrs. Crandall, Langford, Rose, Steele, Vrooman, and Wilson—6.

Mr. Conklin, who would have voted "no," was paired with Mr. Caminetti, who would have voted "aye."

Upon the question, "Shall the bill be ordered engrossed and to a third reading?"

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Clunie, Crimmins, Dray, Gesford, Goucher, Lenahan, McCarthy, Meany, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Sullivan, Walrath, and White—20.

NOES—Messrs. Chandler, Crandall, Dixon, Haynes, Hinshaw, Langford, and Wilson—7.

Mr. Conklin and Mr. Caminetti paired as before.

## LEAVE OF ABSENCE.

Mr. White asked and obtained leave of absence for Mr. Caminetti, on account of sickness.

## RESOLUTION—(OUT OF ORDER).

By Mr. Dixon:

*Resolved*, That the State Printer be and he is hereby ordered to have bound three copies of the transcribed arguments and citations of authorities taken before the Election Committee, in the case of Ryland vs. Conklin, for the use of the Senate.

Adopted.

## SECOND SPECIAL ORDER.

Senate Bill No. 59—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

The question being upon the passage of the bill.

Mr. Wilson moved to strike out the enacting clause.

## RECESS.

Pending consideration of said motion, at twelve o'clock M. the President declared a recess, under the rules, until half-past one o'clock P. M.

## REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Langford, Lenahan, McCarthy, McCudden, Meany, Murphy, Patterson, Pinder, Rose, Roth, Steele, Vrooman, Walrath, and White.

Quorum present.

Consideration of Senate Bill No. 59, pending when the Senate took a recess, resumed, Mr. Clunie having the floor.

The question being on Mr. Wilson's motion to strike out the enacting clause of the bill.

The ayes and noes were demanded by Messrs. White, Rose, and Moffitt, and the motion to strike out the enacting clause of the bill prevailed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Clunie, Conklin, Crimmins, Dray, Goucher, Hall, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Spellacy, Steele, Sullivan, Vrooman, and Wilson—21.

NOES—Messrs. Abbott, Boggs, Chandler, Crandall, Dixon, Gesford, Haynes, Hinshaw, Langford, McCudden, Moffitt, Rose, Roth, and White—14.

Mr. Walrath, who would have voted "aye," was paired with Mr. Caminetti, who would have voted "no."

Mr. Clunie gave notice that he would, on to-morrow, move a reconsideration of the vote just had.



## LEAVE OF ABSENCE.

Mr. Goucher asked for and obtained indefinite leave of absence for the Committee on Fish and Game.

## SPECIAL FILE—THIRD READING.

Senate Constitutional Amendment No. 5—Proposing an amendment to section seven, of Article IX, of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Patterson, Pinder, Rose, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White—31.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 3—Proposing an amendment to section two, of Article IV, of the Constitution of the State of California.

Passed on file.

Senate Bill No. 192—An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California.

Mr. Moffitt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Mr. White moved that further proceedings under the call be dispensed with.

So ordered.

Senate Bill No. 192 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—34.

NOES—None.

Title substituted as follows:

Substitute for title to Senate Bill No. 192—An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home.

Title read and approved.

## MOTION.

Mr. Gesford moved to suspend the rules, for the purpose of taking up, out of order, Senate Bill No. 36.

## PREVIOUS QUESTION.

Mr. White moved the previous question.

So ordered.

The question being upon the motion of Mr. Gesford for a suspension of the rules, the ayes and noes were demanded by Messrs. Vrooman, White, and Gesford, and the motion was lost by the following vote:

AYES—Messrs. Bowers, Byrnes, Chandler, Clunie, Conklin, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Moffitt, Pinder, Spellacy, and Sullivan—20.

NOES—Messrs. Abbott, Boggs, Crandall, Crimmins, Langford, McCudden, Murphy, Patterson, Rose, Roth, Steele, Vrooman, Walrath, and White—14.

The motion for a suspension of the rules not having received a three-fifths vote.

## ADJOURNMENT.

Thereupon, at five o'clock and thirty-five minutes P. M., on motion of Mr. White, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 16, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Briceland, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

## ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 387—Entitled an Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McCUDDEN, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Amended Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code.

SPELLACY, Chairman.

## ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 29—Relating to the election of Roadmasters—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

HINSHAW, Chairman.

## ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February —, 1887.

MR. PRESIDENT: Your Committee on State Hospitals and Asylums respectfully report the number of miles traveled by each member of said committee:

NAME.	Miles.	Amount.
Senator Crandall—		
To San José and return.....	256	\$25 60
To Santa Clara.....	6	60
Stockton to Asylums.....	4	40
Sacramento to Napa.....	122	12 20
Total.....	388	\$38 80
Senator Briceland—		
To San José and return.....	256	\$25 60
To Santa Clara.....	6	60
Stockton to Asylums.....	4	40
Sacramento to Napa and return.....	122	12 20
Total.....	388	\$38 80
Senator Meany—		
To San José and return.....	256	\$25 60
To Santa Clara.....	6	60
Total.....	262	\$26 20
Senator McCarthy—		
To San José and return.....	256	\$25 60
To Santa Clara.....	6	60
Total.....	262	\$26 20
Clerk of Hospital Committee.....	388	\$38 80

BRICELAND, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

## ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 380—Entitled "An Act to amend section three hundred and thirty of the Penal Code of California, relating to gaming"—have had the same under consideration, and respectfully report the same back, with an amendment, and recommend that it do pass, as amended in committee.

HAYNES, Chairman.

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 383—An Act to appropriate money to pay the claim of Max Gumpel, for services rendered to the State as an expert, during the trial of John S. Gray.

Also, Senate Bill No. 384—An Act for the relief of James Touhey, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall along Port of San Francisco, in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also, Senate Bill No. 344—An Act for the relief of Bartolo Sepulveda—and report the same back, without recommendation.

Also, Senate Bill No. 381—An Act to pay the claim of Richard O'Connor, for the permanent injury to his horse—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 402—An Act to provide for the payment to the estate of Miss Aurelia Pfeiffer, for water taken and appropriated from her land by the State University at Berkeley—and report the same back, and recommend that it do pass.

MEANY, Chairman.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 339—An Act to appropriate the sum of ten thousand dollars for the construction of an additional cottage at the Veterans' Home, under the auspices of the Veterans' Home Association, and for the completion of the principal building already in use, and to improve the water supply of said Home.

FRANK D. RYAN, Chief Clerk.

Per FRANK W. MARSTON, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 259—An Act to provide for the payment of the rent of the chambers occupied by the Supreme Court Commissioners.

Also, passed Assembly Bill No. 395—An Act to provide for the deficiency in the appropriation for salaries of the Commissioners of the Supreme Court and their Secretary, for the thirty-eighth fiscal year.

Also, passed Senate Bill No. 243—An Act to provide for an improvement of the State Capitol, and for an appropriation to pay for the same.

FRANK D. RYAN, Chief Clerk.

Per F. W. MARSTON, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 339, 259, and 365, were severally referred to Committee on Finance.

Senate Bill No. 243 referred to Committee on Enrollment.

## MOTION.

Mr. Murphy moved a reconsideration of the vote whereby a certain resolution, granting to the Committee on Harbors, Rivers, and Coast Defenses, mileage, was on yesterday adopted.

So ordered.

The resolution above referred to was rereferred to the Committee on Attachés, Contingent Expenses, and Mileage.



## BILL REREFERRED.

On motion of Mr. Meany, Senate Bill No. 246 was rereferred to the Committee on Claims.  
So ordered.

## INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. White: Senate Bill No. 406—An Act making an appropriation for a deficiency in the appropriation for the salary of the Phonographic Reporter of the Supreme Court, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 407—An Act to repeal an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California," approved February 20, 1872.

Referred to Committee on Judiciary.

## LEAVE OF ABSENCE.

Mr. Caminetti was granted one day's further leave of absence, on account of sickness.

## SPECIAL FILE—THIRD READING.

Senate Constitutional Amendment No. 3—Proposing an amendment to section two, of Article IV, of the Constitution of the State of California.

Passed on file.

Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor.

## CALL OF THE SENATE.

Pending consideration of the bill, Mr. Dray moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. BOWERS, BRICELAND, BYRNES, CLUNIE, CONKLIN, CRANDALL, CRIMMINS, DIXON, DRAY, GOUCHER, HALL, HAYNES, HINSHAW, LENAHAN, MCCARTHY, MCCUDDEN, McDONALD, MEANY, MURPHY, PATTERSON, ROSE, ROTH, SPELLACY, SULLIVAN, VROOMAN, WALRATH, WHITE, and WILSON.

Further proceedings under the call were dispensed with, and Senate Bill No. 164 passed by the following vote:

AYES—MESSRS. BOWERS, BRICELAND, BYRNES, CLUNIE, CONKLIN, CRANDALL, CRIMMINS, DIXON, DRAY, GOUCHER, HALL, HAYNES, HINSHAW, LENAHAN, McDONALD, MEANY, MURPHY, PATTERSON, ROSE, ROTH, SPELLACY, SULLIVAN, VROOMAN, WALRATH, WHITE, and WILSON—26.  
NOES—None.

Title read and approved.

Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-

two, respectively, in relation to the duties of the Controller and Trustees of school districts as to apportionment of moneys, the enrollment of pupils in the Grammar School course, and to provide for the same, and to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred forty-three, and one thousand six hundred and ninety-six of said Act, in relation to pupils enrolled in the Grammar School course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor.

#### CALL OF THE SENATE.

Pending consideration of Senate Bill No. 237, Mr. White moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Spellacy, Sullivan, Vrooman, Walrath, White and Wilson.

On motion of Mr. Vrooman, further proceedings under the call were dispensed with.

Senate Bill No. 237 read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—28.

NOES—None.

Title read and approved.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 231—An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to apportionment of school moneys.

Mr. White moved to amend section one, by inserting, after the word "persons," and before the word "shall," in line nine, page two, the words "and Mongolian children."

Adopted.

The committee amendment providing for a new section, as follows, was also adopted:

Sec. 2. This Act shall take effect from and after its passage.

Senate Bill No. 231, so amended, ordered engrossed, and to a third reading.

Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other high explosives.

Substitute reported by the committee adopted, and amended as follows:

On motion of Mr. White, section five was amended by striking out, at the end of section, the words "by imprisonment in the State Prison for a period not less than one year."

On motion of Mr. Vrooman, section eight was amended by striking out, in line six thereof, printed bill, the word "high," and adding, in line six, after the word "powder," the words "or gunpowder or other chemical compounds;" also, on motion of Mr. Vrooman, the title of the bill was amended by striking therefrom the word "high."

Substitute for Senate Bill No. 333, so amended, ordered engrossed, and to a third reading.

#### SPECIAL FILE—FIRST READING.

Senate Bill No. 240—An Act to authorize the State Treasurer to transfer the sum of three thousand and three hundred and six dollars (\$3,306 72) and seventy-two cents from the State Drainage Construction Fund to reimburse the General Fund in that amount, for moneys paid from it upon outstanding warrants, State Drainage Construction Fund, under an Act of the Legislature, approved March 10, 1885, entitled an Act to appropriate money to pay indebtedness incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880.

Also, Senate Bill No. 284—An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane.

Severally read first time.

Senate Bill No. 389—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections number one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

Passed on file.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 91—Entitled an Act to amend sections one, five, six, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 23, 1872—have had the same under consideration, and report the same back, without recommendation.

Also, Senate Bill No. 278—Entitled an Act to amend section one thousand two hundred and forty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads—and recommend that it do not pass.

Also, Assembly Bill No. 74—Entitled an Act to amend section one thousand three hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the order of persons entitled to administer the estates of deceased persons—and majority recommend that it do not pass.

Also, Assembly Bill No. 103—Entitled an Act providing for the payment of witnesses' expenses in criminal cases—and recommend that it do not pass.

Also, Assembly Bill No. 125—Entitled an Act to amend sections fifty-five and sixty-eight of the Civil Code, and to repeal sections fifty-seven, seventy-five, and seventy-seven of said Code, relating to marriage—and recommend that it do pass, as amended.

Also, Assembly Bill No. 152—Entitled an Act to add another section to the Penal Code, to be numbered two hundred and sixty-eight, relating to crimes and punishments—and recommend that it do pass.

Also, Assembly Bill No. 158—Entitled an Act to amend section seven of the insolvent Act of 1880—and recommend that it do not pass.

Also, Assembly Bill No. 164—Entitled an Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relating to cheats—and recommend that it do pass.

Also, Assembly Bill No. 178—Entitled an Act to amend section five hundred and fifty-three of the Code of Civil Procedure, relative to attachments—and recommend that it do pass.

Also, Senate Bill No. 363—Entitled an Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relative to cheats—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

#### GENERAL FILE—THIRD READING.

Senate Bill No. 340—An Act to amend an Act entitled an Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums, approved March 3, 1885, by adding a new section thereto.

Mr. Murphy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Vrooman, Walrath, White, and Wilson.

On motion of Mr. Clunie, further proceedings under the call were dispensed with.

Senate Bill No. 340 read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Spellacy, Vrooman, Walrath, White, and Wilson—29.

NOES—None.

Title read and approved.

Senate Bill No. 137—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor, and the duties of County Clerks in relation therewith.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Spellacy, Vrooman, Walrath, White, and Wilson—28.

NOES—None.

Title read and approved.

Senate Bill No. 130—An Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Roth, Spellacy, Vrooman, Walrath, White, and Wilson—27.

NOES—Mr. Goucher—1.



Title read and approved.

Senate Bill No. 136—An Act to add a new section to the Political Code of the State of California, to be numbered section four thousand two hundred and twenty-five, in relation to the duties of County Auditors.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Clunie, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Roth, Spellacy, Vrooman, Walrath, White, and Wilson—26.

NOES—None.

Title read and approved.

#### REPORT—(OUT OF ORDER).

##### MINORITY REPORT OF COMMITTEE ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, February 16, 1887.

MR. PRESIDENT: The undersigned, a minority of your Committee on State Prisons and Prison Buildings, herewith respectfully submit a report of their investigations made at the State Prison at San Quentin. In the main, the minority agree with the majority in their recommendations as to the policy which should regulate the industrial conditions of the prison, but dissent from the conclusions expressed in sections six and eight of said report.

The undersigned are of the opinion that, in the long run, the State would profit by the immediate and total abolition of all kinds of convict labor which is brought into competition with free white labor. Both of the great political parties have so declared. In the platform of the Republican party, in the recent political campaign, we find the following declaration:

"Labor is honorable, and the laborer in every walk of life should be honored. Upon free, intelligent labor and its wise direction depends the prosperity of nations. Everything which is useful to man is the result of labor in some form, and its careful protection should be the first consideration of the statesman."

This noble declaration we believe to have been made in good faith, and interpret liberally, and as meaning that anything which is calculated to debase or degrade free white labor—as convict labor, for instance—should not be tolerated.

Turning to the platform of the Democratic party, to whose principles the undersigned subscribed and whose promises we faithfully agreed to execute, we find the following clear and emphatic declaration:

"We regard the contract convict labor system as detrimental to the interests of free labor and ruinous to certain lines of legitimate business with which it comes in conflict. We commend the present State administration for its late efforts to abolish this system, and pledge our candidates, if elected, to do all within their power to carry out the spirit of the Constitution upon this question. But in no way shall this be construed to prohibit the manufacture of grain bags and jute goods within the walls of the State Prison."

The undersigned understand that this most positive declaration means precisely what it says, and that under it they are pledged (and without taking into consideration the few thousand dollars which the State might lose) to do all in their power to secure the immediate and total cessation of all convict labor, except in the manufacture of jute, which in no way, in this State, enters into competition with free white labor.

Under these circumstances, and with these pledges to the people to be yet fulfilled, we do not appreciate the position assumed by the majority, that the abandonment of the door and sash department would be detrimental to the best interests of the State, and would result in financial loss to the treasury. And in this connection we cannot but advert to and indorse the expression of Hon. Stephen M. White, President pro tem, in his argument last week on the bill to repeal section one thousand four hundred and twenty-two of the Civil Code of California, that "party platforms are in the nature of solemn obligations to the people, and not 'molasses to catch flies.'"

The duplication of the jute plant at San Quentin, at a cost to the State of one hundred and sixty thousand dollars, will more than double the capacity of the mills, materially reduce the cost of production per bag, furnish employment to eight hundred convicts, enable the State to supply to the farmers four million of the thirty million bags annually required by them, will prohibit corners and speculation in grain bags, and, above and beyond all, will forever settle the convict labor question, which has been a source of distraction and a cause of disquietude to the working classes of the State for years past.

The undersigned do not believe that the abandonment of the furniture factory will result in loss to the property of the State, as the building, which the majority state cost two hundred thousand dollars, can, at very little cost, estimated by prison officials at five thousand dollars, be converted into a State Reformatory under the present management, and without additional expense to the people.

P. J. MURPHY.  
JOHN LENAHAN.

CONSIDERATION OF GENERAL FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 12—An Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

RECESS.

Pending consideration of Senate Bill No. 12, at twelve o'clock M. the President declared a recess, under the rules, until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Clunie, Conklin, Dixon, Dray, Gesford, Hall, Haynes, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Patterson, Rose, Roth, Spellacy, Vrooman, Walrath, White, and Wilson.

Quorum present.

Consideration of Senate Bill No. 12, pending when the Senate took a recess, resumed.

Bill read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Conklin, Dixon, Dray, Gesford, Hall, Haynes, Langford, Lenahan, McCarthy, McCudden, Moffitt, Patterson, Rose, Roth, Steele, Vrooman, Walrath, White, and Wilson—22.

NOES—None.

Title amended as follows: add to title, the words, "relating to books of record and indices to be kept by County Recorders."

Title, so amended, approved.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Wilson: Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law from December 1, 1885, until June 30, 1887.

Referred to Committee on Finance.

MOTION.

Mr. Lenahan moved to take up, out of order, Senate Bill No. 389—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections number one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

So ordered.

Senate Bill No. 389 read first time.

GENERAL FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 107—An Act to provide an additional Judge of the Superior Court of Tulare County.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, White, and Wilson—31.

NOES—None.

Title read and approved.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two of Title VIII, of the Civil Code of California.  
Passed on file.

#### GENERAL FILE—SECOND READING.

Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Passed on file.

Mr. Clunie moved to take up message from the Governor.

So ordered.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., February 16, 1887. }

*To the Senate of the State of California :*

I have the honor to inform your honorable body that I have this day appointed Hon. William D. English as State Harbor Commissioner, to succeed Hon. Frank McCoppin, whose term expires on the twelfth day of March, 1887, and ask that the Senate consent to the said appointment.

WASHINGTON BARTLETT, Governor.

Mr. Moffitt moved that the Senate proceed forthwith to consider the appointment reported in the Governor's message.

So ordered.

Upon the question, "Will the Senate advise and consent to the appointment of Hon. William D. English as State Harbor Commissioner, to succeed Hon. Frank McCoppin, whose term expires on the twelfth of March, 1887?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—33.

NOES—None.

Whereupon, the President announced the appointment of Hon. Wm. D. English, as Harbor Commissioner, as aforesaid, duly confirmed.

#### GENERAL FILE—SECOND READING—(RESUMED).

Senate Bill No. 47—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and seventy-three.

Withdrawn by its author, Mr. Steele.

Assembly Bill No. 55—An Act to protect the manufacturing industries of this State.

Mr. Vrooman moved to strike out the enacting clause of the bill.

#### MOTION.

Pending consideration of Mr. Vrooman's motion to strike out the enacting clause of Assembly Bill No. 55, Mr. Clunie moved to reconsider the vote whereby the enacting clause of Assembly Bill No. 59 was, on yesterday, ordered stricken out.

Mr. Wilson moved to make the motion of Mr. Clunie the special order for to-morrow, at half-past two o'clock P. M.

Mr. Vrooman moved, as an amendment, that the motion of Mr. Clunie be made the special order for Friday next, immediately after the reading of the Journal.

Amendment accepted, and the motion of Mr. Wilson, so amended, was adopted.

#### CONSIDERATION OF ASSEMBLY BILL No. 55—(RESUMED).

On the motion of Mr. Vrooman to strike out the enacting clause, the ayes and noes were demanded by Messrs. Clunie, Vrooman, and Meany.

Mr. Vrooman claimed the right to close the debate upon his motion to strike out the enacting clause of said bill, and in support thereof, cited Rule 48.

Mr. Clunie also claimed the right to close the debate, upon the ground that Assembly Bill No. 55, upon his own motion, had been substituted for a Senate Bill (identical in character with Assembly Bill No. 55), introduced by himself, and that by virtue thereof he had become the author of said Assembly Bill No. 55, and entitled to close the debate, under said Rule 48.

The Chair decided in favor of Mr. Vrooman.

Mr. Clunie appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Clunie, Vrooman, and Gesford, with the following result:

AYES—Messrs. Abbott, Boggs, Conklin, Crandall, Dray, Goucher, Hall, Haynes, Hinshaw, McCudden, Patterson, Rose, Steele, Vrooman, Walrath, White, and Wilson—17.

NOES—Messrs. Bowers, Briceland, Byrnes, Chandler, Clunie, Crimmins, Dixon, Gesford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, and Sullivan—18.

The Chair announced that the decision of the Chair was not sustained.

#### ADJOURNMENT.

At five o'clock and forty minutes P. M. Mr. Boggs moved to adjourn.

Ayes and noes demanded by Messrs. Clunie, Boggs, and Bowers, and the motion to adjourn prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Chandler, Conklin, Dray, Hall, Haynes, Hinshaw, McCudden, Moffitt, Patterson, Rose, Roth, Steele, Vrooman, Walrath, and Wilson—18.

NOES—Messrs. Bowers, Byrnes, Clunie, Crandall, Crimmins, Dixon, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Spellacy, Sullivan, and White—17.



## IN SENATE.

SENATE CHAMBER,  
Thursday, February 17, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Chandler, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Roth, Walrath, White, and Wilson.

## RECESS.

There not being a quorum present, only nineteen Senators having answered to their names, the President declared a recess for five minutes.

## REASSEMBLED.

At the time appointed, the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read, corrected, and approved.

## PETITIONS.

By Mr. Steele: Two petitions, in favor of Sunday law.

Considered read, and referred to the Committee on Public Morals.

## REPORTS OF STANDING COMMITTEES.

## ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 342—An Act authorizing the incurring of indebtedness by cities incorporated under laws of this State.

Also, Assembly Bill No. 62—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 354—Entitled an Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State for the thirty-seventh fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

## ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committees on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 109—An Act entitled an Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization—have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Amended Senate Bill No. 231—An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to apportionment of school moneys.

DIXON, Chairman.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 243—Entitled an Act to provide for an improvement of the State Capitol, and for an appropriation to pay for the same.

ROTH, Chairman.

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 245—An Act for the relief of Wilson Delitta, for personal injuries sustained by him, while in the employ of the State—have had the same under consideration, and respectfully report a substitute therefor, and recommend that the substitute do pass.

MEANY, Chairman.

## ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of J. Lenahan, for mileage account of Senate Committee on Chinese and Chinese Immigration, for the sum of one hundred dollars and eighty cents, as per statement herewith:

	Miles.	Amount.
Senator J. Lenahan—to San Francisco and return.....	168	\$16 80
Senator H. C. Gesford—to San Francisco and return.....	168	16 80
Senator J. Roth—to San Francisco and return.....	168	16 80
Senator B. V. Sargent—to San Francisco and return.....	168	16 80
Senator P. J. Crimmins—to San Francisco and return.....	168	16 80
Clerk S. J. Burke—to San Francisco and return.....	168	16 80
Total.....	1,008	\$100 80

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

On the adoption of the resolution reported, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Spellacy, Steele, White, and Wilson—31.

NOES—Mr. Vrooman—1.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the mileage account of the Committee on Harbor, River, and Coast Defenses—having had the same under consideration, beg respectfully to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators Langford, Byrnes, Crimmins, Pinder, Spellacy, and Clerk McCarthy of the Committee on Harbor, River, and Coast Defenses, for sixteen dollars and eighty cents each, due as mileage for visiting the fortifications of San Francisco, they having traveled one hundred and sixty-eight miles.

After investigation, it does not appear that the committee is entitled to a greater mileage than one hundred and sixty-eight miles.

MURPHY, Chairman.

On the adoption of the resolution reported, the roll was called and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Rose, Roth, Spellacy, Steele, White, and Wilson—31.

NOES—Mr. Vrooman—1.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Union Ice Company for thirty-two dollars and sixty cents, due for ice furnished the Senate during the month of January.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

On the adoption of the resolution reported, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Rose, Roth, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—31.

NOES—None.

Also, the following:

*Resolved*, That Edward Barton be and he is hereby allowed four dollars per diem from the date of his appointment, to wit: January 6, 1887, for services as Messenger to the Sergeant-at-Arms.

Have had the same under consideration, and report the same back, and recommend the adoption of the following substitute:

*Resolved*, That Edward Barton, who was appointed a Page at the beginning of the session, but who has been acting as Bill Clerk to the Sergeant-at-Arms, be and he is hereby allowed four dollars per diem from January sixth, instead of the per diem of a Page.

MURPHY, Chairman.

On the adoption of the resolution reported, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—29.

NOES—Mr. Byrnes—1.

ON STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on State Library, to whom was referred Assembly Bill No. 134—An Act to provide for the removal of the mineral cabinet from the State

Library--have had the same under consideration, and respectfully report the same back, without recommendation.

MURPHY, Chairman.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 374--An Act relating to the compensation of Court Reporters in counties of the eighth and ninth classes--have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GESFORD, Acting Chairman.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 339--An Act to appropriate the sum of ten thousand dollars for the construction of an additional cottage at the Veterans' Home, under the auspices of the Veterans' Home Association, and for the completion of the principal building already in use, and to improve the water supply of said Home.

Also, Assembly Bill No. 172--Relative to an appropriation of money for the support of aged persons in indigent circumstances residing in the Veterans' Home.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MCCARTHY, Chairman.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 111--An Act to appropriate money to pay the claim of W. T. Brown or his executors or administrators.

Also, passed Assembly Bill No. 115--An Act to appropriate money to pay the claim of E. T. Wilkins.

FRANK D. RYAN, Chief Clerk.

Per FRANK W. MARSTON, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Senate Bill No. 140--A bill for an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Senate Bill No. 163--An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year.

Assembly Bill No. 256--An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-sixth fiscal year.

Assembly Bill No. 112--An Act to appropriate money to pay the claim of R. F. Del Valle.

Assembly Bill No. 113--An Act to appropriate money to pay the claim of B. F. Langford.

Assembly Bill No. 114--An Act to appropriate money to pay the claim of Benj. Knight.

Assembly Bill No. 258--An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year.

FRANK D. RYAN, Chief Clerk.

Ed. J. SMITH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 232--An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.

Also, Assembly Bill No. 208--An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

FRANK D. RYAN, Chief Clerk.

By Ed. J. SMITH, Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 111, 115, 112, 113, and 114, severally referred to the Committee on Claims.

Assembly Bills Nos. 262, 256, and 258, severally referred to Committee on Finance.

Assembly Bill No. 208 referred to Committee on Counties, County Government, and Township Organization.

Senate Bills Nos. 140 and 163 referred to Committee on Enrollment.

## RESOLUTION—(OUT OF ORDER).

By Mr. Murphy:

*Resolved*, That no committee of the Senate be hereafter permitted to incur a bill for mileage without first obtaining the consent of the Senate.

Adopted.

## INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. Dixon: Senate Bill No. 409—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-one, seven hundred and seventy-two, seven hundred and seventy-three, seven hundred and seventy-seven, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, and seven hundred and ninety of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 14, 1883.

Referred to Committee on City Government.

By Mr. Crandall: Senate Bill No. 410—An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children.

Referred to Committee on Judiciary.

By Mr. Conklin: Senate Bill No. 411—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto a new section, to be known as section two thousand six hundred and ninety-six, relating to proceedings for procuring land for the purpose of raising the banks of streams in order to more effectually protect public roads and highways.

Referred to Committee on Roads and Highways.

By Mr. White: Senate Bill No. 412—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals to the Supreme Court.

Referred to Committee on Judiciary.

By Mr. Hinshaw: Senate Bill No. 413—An Act for the relief of I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck.

Referred to Committee on Claims.

By Mr. Moffitt: Senate Bill No. 414—An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-seventh fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 415—An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-eighth fiscal year.

Referred to Committee on Finance.

By Mr. Spellacy: Senate Bill No. 416—An Act to amend section two thousand three hundred and forty-nine of the Political Code.

Referred to Committee on River, Harbor, and Coast Defenses.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Sullivan:

*Resolved*, That J. S. Barnett and L. P. Walsh be and they are hereby appointed clerks to compile and revise a Weekly and General History of Senate Bills, at a per diem of eight dollars each, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. McCarthy:

*Resolved*, That Samuel Osbourne be and he is hereby allowed the sum of forty dollars (\$40), for services rendered as stenographer of the Committee on Military Affairs during its visit to and inspection of the National Guard at San Francisco, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of D. J. McCarthy, for mileage account of Senate Committee on Military Affairs, for the sum of one hundred and seventy-six dollars, as per statement herewith:

	Miles.	Amount.
Senator Spellacy—to Stockton, San José, to Sacramento .....	352	\$35 20
Senator McCarthy—to Stockton, San José, to Sacramento .....	352	35 20
Senator Crimmins—to Stockton, San José, to Sacramento .....	352	35 20
Senator Wilson—to Stockton, San José, to Sacramento .....	352	35 20
Clerk Pendergast—to Stockton, San José, to Sacramento .....	352	35 20
Total .....	1,760	\$176 00

Mc CARTHY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

On motion of Mr. Clunie, the consideration of Assembly Bill No. 55, pending when the Senate adjourned on yesterday, was resumed.

The question being on Mr. Vrooman's motion to strike out the enacting clause of the bill.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, Mc-

Carthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

On motion of Mr. Clunie, further proceedings under the call were dispensed with.

On Mr. Vrooman's motion, last aforesaid, the ayes and noes having been demanded by Messrs. Clunie, Vrooman, and Meany, and pending when the Senate adjourned on yesterday, the roll was called, and the motion to strike out the enacting clause lost by the following vote:

AYES—Messrs. Abbott, Crandall, Hall, Patterson, and Walrath—5.

NOES—Messrs. Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, White, and Wilson—30.

Mr. Vrooman, who would have voted "aye," was paired with Mr. Caminetti, who would have voted "no."

Whereupon, on motion of Mr. White, further consideration of the bill was made the special order for this afternoon, immediately after recess.

#### SPECIAL FILE—THIRD READING.

Senate Concurrent Resolution No. 3 and Senate Bill No. 333 passed on file.

Senate Bill No. 231—An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to apportionment of school moneys.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—32.

NOES—None.

Title read and approved.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 240—An Act to authorize the State Treasurer to transfer the sum of three thousand three hundred and six dollars (3,306 72) and seventy-two cents from the State Drainage Construction Fund to reimburse the General Fund in that amount, for moneys paid from it upon outstanding warrants, State Drainage Construction Fund, under an Act of the Legislature, approved March 10, 1885, entitled an Act to appropriate money to pay indebtedness incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 389—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections number one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

Read second time.

Mr. Gesford offered the following amendment: add the words "State Prison," in line fourteen, section two.

Adopted.

Mr. White moved to amend, by striking out the words "hard labor," wherever said words occur in section one.

Adopted.

The bill, so amended, was ordered engrossed, and to a third reading.

Senate Bill No. 284—An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane.

Read second time.

Mr. Langford offered the following amendment: amend section one, line eight of printed bill, by adding after the words "eighty-five," the words "and of an Act to regulate contracts in behalf of the State in relation to erections and buildings, approved March 23, 1876."

Adopted.

Title of the bill amended, by adding thereto the words "to appropriate funds therefor, and to provide for the expenditure of the same."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

#### SPECIAL FILE—FIRST READING.

Senate Bill No. 387—An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read first time.

#### GENERAL FILE—THIRD READING.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California.

Passed on file.

#### GENERAL FILE—SECOND READING.

Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Passed on file.

Senate Bill No. 4—An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor.

Passed on file.

#### RECESS.

Pending the consideration of the General File, Second Reading of Bills, the President declared a recess, under the rules, until one o'clock and thirty minutes P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.



The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Langford, McCarthy, McCudden, Moffitt, Murphy, Patterson, Rose, Roth, Steele, Vrooman, White, and Wilson.

Quorum present.

#### PROTEST.

Mr. Abbott presented a protest from Wm. T. Coleman and others against the passage of Assembly Bill No. 55.

Protest read and placed on file.

At the suggestion of Mr. Wilson, Senate Bill No. 408 was withdrawn from the Committee on Finance, and referred to the Committee on Claims.

#### REPORTS—(OUT OF ORDER).

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 217—Relative to the establishment of an industrial training school in each city, county, or city and county, of the State—have had the same under consideration, and respectfully report a substitute therefor, and recommend that the substitute do pass.

GESFORD, Chairman.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 361—Entitled an Act amendatory of an Act entitled an Act to enable John Hoagland, James Reed, Mrs. Rebecca C. Hoagland, George Cooper, William B. Todhunter, Mrs. Mary W. G. Van Arsdall, Henry Lienberger, Christopher Green, and Charles Trainer, to sue the State of California, approved March 12, 1885—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Meany:

*Resolved*, That Luke Kavanaugh be and he is hereby allowed the sum of one hundred and twenty-two dollars, payable out of the Contingent Fund of the Senate, for services rendered the Committee on Claims as shorthand reporter, and the Controller is hereby directed to draw his warrant for said sum.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Clunie: Senate Bill No. 417—An Act to amend sections one thousand three hundred and fifty-two, one thousand three hundred and seventy, and one thousand seven hundred and fifty-one of an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, relating to the disabilities of married women to act as executors, administrators, or guardians.

Referred to the Committee on Judiciary.

By Mr. Byrnes: Senate Bill No. 418—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year.

Referred to Committee on Claims.

Also, Senate Bill No. 419—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of San Mateo County, for delivering certain insane persons at the Asylum for the Insane at Stockton, for the twenty-fourth fiscal year.

Referred to Committee on Claims.

By Mr. Murphy: Senate Concurrent Resolution No. 7—Concurrent resolution in behalf of Charles M. Blake, late Chaplain of the United States Army.

Referred to Committee on Federal Relations.

#### SPECIAL ORDER.

Consideration of Assembly Bill No. 55 resumed.

Mr. Bowers moved to amend section three by inserting, immediately after the word "impracticable," the words "or unnecessary for the purpose of carrying out the true intent of this Act."

Upon the adoption of Mr. Bowers' amendment, the ayes and noes were demanded by Messrs. Crandall, Steele, and White, and the amendment adopted by the following vote:

**AYES**—Messrs. Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Crimmins, Dixon, Gesford, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCadden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Spellacy, Sullivan, Walrath, White, and Wilson—28.

**NOES**—Messrs. Abbott, Conklin, Crandall, Hall, Patterson, Steele, and Vrooman—7.

Mr. Crandall offered a substitute for the whole bill, and moved its adoption.

Ayes and noes demanded by Messrs. Meany, Gesford, and Clunie, and the substitute was rejected by the following vote:

**AYES**—Messrs. Conklin, Crandall, Patterson, and Steele—4.

**NOES**—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCadden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—30.

Mr. Vrooman offered an amendment to section one of the bill, as follows: section one, after the word "State," in line two, insert, "in or about the making or manufacturing of which any Chinese or Mongolian labor has been used or employed."

Ayes and noes demanded by Messrs. Clunie, Gesford, and Meany, and the amendment was lost by the following vote:

**AYES**—Messrs. Abbott, Boggs, Chandler, Conklin, Crandall, Dray, Hall, Haynes, Hinshaw, Moffitt, Patterson, Steele, and Vrooman—13.

**NOES**—Messrs. Bowers, Briceland, Caminetti, Clunie, Crimmins, Dixon, Gesford, Goucher, Lenahan, McCarthy, McCadden, McDonald, Meany, Murphy, Pinder, Rose, Roth, Spellacy, Sullivan, Walrath, White, and Wilson—22.

Mr. Clunie moved to amend section three, line five, in printed bill, between the words "impossible" and "impracticable," strike out the word "or."

Adopted.

Mr. Vrooman moved to amend, as follows: make section nine, a new section, to read as follows:

Nothing herein contained shall apply to or in any manner affect any article, wholly or entirely made or manufactured by Caucasian labor.

Ayes and noes demanded by Messrs. Clunie, Gesford and Meany, and the amendment was lost by the following vote:

AYES—Messrs. Abbott, Conklin, Crandall, Dray, Hall, Haynes, Hinshaw, Langford, Patterson, Steele, and Vrooman—11.

NOES—Messrs. Bowers, Briceland, Brynes, Caminetti, Chandler, Clunie, Crimmins, Dixon, Gesford, Goucher, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Spellacy, Sullivan, Walrath, White, and Wilson—25.

Mr. Abbott moved to amend, by striking out all of section four, on page two, after the word "both," in line five.

Ayes and noes demanded by Messrs. Clunie, Abbott, and White, and the amendment was lost by the following vote:

AYES—Messrs. Abbott, Bowers, Chandler, Conklin, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Meany, Patterson, Roth, Steele, Vrooman, and Wilson—17.

NOES—Messrs. Briceland, Brynes, Caminetti, Clunie, Crimmins, Goucher, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Rose, Spellacy, Sullivan, Walrath, and White—18.

#### PREVIOUS QUESTION.

Mr. Murphy moved the previous question.

Upon the question: "Shall the main question be now put?" it was so ordered, a division vote being had, and a majority of the Senators present demanding the same.

The main question being upon the engrossment of the bill, the bill was ordered engrossed, and to a third reading.

#### RECESS.

At four o'clock P. M. the President suggested a recess of five minutes, and it was so ordered.

#### REASSEMBLED.

At four o'clock and five minutes P. M. the Senate reassembled.

President Waterman in the chair.

Quorum present.

#### GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine.

Mr. Rose offered a substitute bill, and moved its adoption.

Substitute adopted, and considered by sections.

Mr. Goucher in the chair.

Bill ordered engrossed, and to a third reading.

President Waterman in the chair.

At the request of Mr. McCarthy, Senate Bills Nos. 34 and 35 were ordered reversed on the file.

#### GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 32—An Act to amend section one hundred and twenty-six of "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 14—An Act to amend section one hundred and

ninety-three of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation of county and township officers, and to the appointment and salaries of deputies and extra deputies in counties of the thirty-first class.

Read second time.

On motion of Mr. Bowers, the following amendments were adopted, to wit:

In line twelve, printed bill, substitute the word "two," for the word "one," between the words "Collector" and "thousand;" also, on line fourteen, between the words "Attorney," and "thousand," insert the word "two," for the word "one." In line sixteen, strike out, between the words "Administrator," and "hundred," the word "three," and insert, in lieu thereof, the word "five." In line seventeen, strike out, between the words "thousand," and "hundred," the word "one," and insert, in lieu thereof, the word "five."

So amended, the bill was ordered engrossed, and to a third reading.

#### MOTION.

On motion of Mr. Wilson, it was ordered that Assembly Bill No. 122 be withdrawn from the Committee on Corporations, substituted for Senate Bill No. 58, and read a first time.

Assembly Bill No. 122 read first time.

Mr. Wilson moved that said Assembly Bill No. 122 take the place of said Senate Bill No. 58, on the file, Second Reading of Bills, and it was so ordered.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Amended Senate Bill No. 284—An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane.

SPELLACY, Chairman.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 140—Entitled an Act to make an appropriation to pay deficiency for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Senate Bill No. 163—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year.

ROTH, Chairman.

#### MOTIONS.

Mr. Dixon moved that the Secretary be instructed to deliver to the Committee on Elections the certificate of election of Thomas McDonald, as Senator from the Twenty-sixth District.

So ordered.

#### ADJOURNMENT.

Mr. White moved that the Senate take a recess until seven o'clock and thirty minutes this P. M.



Mr. Goucher moved, as an amendment, that the Senate adjourn until ten o'clock A. M. to-morrow.

Mr. White's motion was put and lost.

On the motion of Mr. Goucher, the ayes and noes were demanded by Messrs. White, Goucher, and Meany, and the motion to adjourn until ten o'clock A. M. to-morrow prevailed by the following vote:

AYES—Messrs. Byrnes, Chandler, Clunie, Conklin, Dray, Goucher, Hall, Langford, Lenahan, McCudden, Meany, Pinder, Spellacy, Sullivan, Vrooman, Walrath, and Wilson—19.

NOES—Messrs. Briceland, Crandall, Dixon, Gesford, Haynes, Hinshaw, McCarthy, McDonald, Murphy, Patterson, Rose, Roth, Steele, and White—14.

Thereupon, at five o'clock and forty-five minutes P. M., the Senate stood adjourned.

## IN SENATE.

SENATE CHAMBER, }  
Friday, February 18, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

## SPECIAL ORDER.

Senate Bill No. 59—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

The question being upon the motion of Mr. Clunie, to reconsider the vote whereby the enacting clause of the bill was stricken out.

The ayes and noes were demanded by Messrs. White, Wilson, and Clunie.

Mr. Lenahan moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

On motion of Mr. Lenahan, further proceedings under the call were dispensed with.

The question recurring upon the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Gesford, Haynes, Hinshaw, Langford, Moffitt, Rose, Roth, Sargent, Steele, and White—15.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Conklin, Crimmins, Dray, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Spellacy, Sullivan, Vrooman, Walrath, and Wilson—23.

#### PETITIONS.

By Mr. Clunie: From citizens of Truckee, praying for some action by this Legislature looking to a relief from the exorbitant charges now imposed by the Insurance Union.

Placed on file.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Substitute for Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other explosives.

Amended Senate Bill No. 389—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections number one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

Senate Bill No. 240—An Act to authorize the State Treasurer to transfer the sum of three thousand three hundred and six dollars (\$3,306.72) and seventy-two cents from the State Drainage Construction Fund to reimburse the General Fund in that amount, for moneys paid from it upon outstanding warrants against the State Drainage Construction Fund, under an Act of the Legislature, approved March 19, 1885, entitled an Act to appropriate money to pay indebtedness incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880.

SPELLACY, Chairman.

##### ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred the following Senate Bill No. 385—Entitled an Act to amend sections two and eleven of an Act entitled an Act to amend sections three, four, nine, and eleven of an Act entitled an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, approved April 13, 1880, so as to create an additional district—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DIXON, Chairman.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 91—Entitled an Act to amend sections one, five, six, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 23, 1872—respectfully report back a substitute for said Senate Bill No. 91, and recommend that the substitute be adopted, and the passage of the same.

CLUNIE, Chairman.

##### ON ROADS AND HIGHWAYS—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: A majority of your Committee on Roads and Highways, to whom was referred Senate Bill No. 365—Entitled an Act to amend section two thousand six hundred and fifty-five, and to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act to establish a Political Code, approved March 12, 1872, all of said sections relating to road taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

E. C. HINSHAW, for Majority of Committee.

## ON ROADS AND HIGHWAYS—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: A minority of your Committee on Roads and Highways, to whom was referred Senate Bill No. 365—Entitled an Act to amend section two thousand six hundred and fifty-five, and to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act to establish a Political Code, approved March 12, 1872, all of said sections relating to road taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JAS. D. BYRNES.

## ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 247—Entitled an Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Board of Arbitration—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 68—Entitled an Act to regulate the hours of labor in the street railroads chartered under the laws of the State, in cities, or cities and counties of this State, of over one hundred thousand inhabitants—have had the same under consideration, and respectfully report the same back, without recommendation.

BOGGS, Chairman.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 22—An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, by amending and revising and subdividing into new sections section one hundred and sixty-three of said Act, and renumbering sections one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, and one hundred and eighty-four of said Act, shall be hereafter respectively known and numbered as sections two hundred and eleven, two hundred and twelve, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty, and two hundred and thirty-one.

F. D. RYAN, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fifteenth day of February, 1887, passed Assembly Bill No. 135—An Act for the remuneration of Elisha O. Crosby, for money advanced to and for the State of California.

Also, on the seventeenth day of February, 1887, passed Substitute for Assembly Bill No. 179—An Act entitled an Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization.

Also, passed Assembly Bill No. 217—An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Board of Arbitration.

F. D. RYAN, Chief Clerk.

ED. J. SMITH, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 22 referred to Committee on Counties, County Government, and Township Organization.

Assembly Bill No. 135 referred to Committee on Claims.

Substitute for Assembly Bill No. 179 referred to Committee on Counties, County Government, and Township Organization.  
 Assembly Bill No. 217 referred to Committee on Labor and Capital.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 40—An Act to amend section thirty-two of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Assembly Bill No. 136—Entitled an Act to amend an Act to incorporate the City of Santa Barbara, approved March 30, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 189—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February 10, 1874, and to change the boundaries of said city—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 390—An Act to create the County of San Leandro, to define its boundaries, and to provide for its organization—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Assembly Bill No. 208—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

##### INTRODUCTION OF BILLS.

By Mr. Crandall: Senate Bill No. 420—An Act to protect the manufacturing industries of this State, and to punish persons using false labels on goods manufactured in this State.

Referred to Committee on Chinese and Chinese Immigration.

By Mr. Rose: Senate Bill No. 421—An Act to appropriate the sum of one thousand eight hundred and thirty-seven dollars and thirty-seven cents for deficiencies for the support of the State Board of Forestry, for the thirty-eighth fiscal year.

Referred to Committee on Finance.

By Mr. Moffitt: Senate Bill No. 422—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year.

Referred to Committee on Finance.

By Mr. Wilson: Senate Bill No. 423—An Act to amend section one thousand two hundred and fifty-seven of the Political Code of the State of California, relating to counting of ballots at elections.

Referred to Committee on Judiciary.

By Mr. Roth: Senate Bill No. 424—An Act to amend sections two thousand six hundred and eighty-four, two thousand six hundred and eighty-eight, and two thousand six hundred and eighty-nine of the Political Code, relating to the laying out, altering, and discontinuing roads.

Referred to Committee on Roads and Highways.

At the request of Mr. Meany, Senate Bill No. 383 was referred to the Committee on Claims.

##### LEAVE OF ABSENCE.

At the request of Mr. Gesford, the Committee on Education was granted leave of absence for Monday next.



## SPECIAL FILE—THIRD READING.

Senate Constitutional Amendment No. 3—Proposing an amendment to section two, of Article IV, of the Constitution of the State of California.

Passed on file.

Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other high explosives.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—31.

NOES—None.

Title read and approved.

Senate Bill No. 240—An Act to authorize the State Treasurer to transfer the sum of three thousand and three hundred and six dollars (\$3,306 72) and seventy-two cents from the State Drainage Construction Fund to reimburse the General Fund in that amount, for moneys paid from it upon outstanding warrants, State Drainage Construction Fund, under an Act of the Legislature, approved March 10, 1885, entitled an Act to appropriate money to pay indebtedness incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White—25.

NOES—Messrs. Clunie, Gesford, Moffitt, and Murphy—4.

Title read and approved.

Senate Bill No. 389—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections number one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

On motion of Mr. White, was temporarily passed on file, and committed to a select committee of one, consisting of Mr. Gesford, with instructions to amend section one of the printed bill by eliminating therefrom the words, "in the Courts of the State, and," of lines eleven and twelve.

Senate Bill No. 284—An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—36.

NOES—None.

Title read and approved.

RECESS.

At twelve o'clock M. the President declared a recess, under the rules, until one o'clock and thirty minutes this P. M.

## REASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate reassembled.  
 President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Byrnes, Chandler, Clinie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Rose, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

## REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 389, with special instructions to report the following amendment thereto: strike out from and including the word "in," at the end of line eleven, to and including the word "and," at end of line twelve, on page two of printed bill—has had the same under consideration, and respectfully reports said bill back, amended in accordance with said instructions, and recommends its passage, as amended.

H. C. GESFORD, Select Committee.

Report adopted, and the bill so amended ordered reëngrossed.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 128—An Act to provide for the public safety at steam railroad crossings, and in streets and avenues used by steam railroads, and for the granting of franchises to steam railroads in incorporated cities, counties, cities, or towns.

Also, Senate Bill No. 2—An Act to provide for, authorize, and limit the granting of franchises, and right to construct and operate steam railroads in streets and avenues of incorporated cities and counties, cities, and towns, and afford security from accident therein.

Have had the same under consideration, and respectfully report the same back, without recommendation.

MOFFITT, Chairman.

## BILLS WITHDRAWN.

At the request of Mr. Moffitt, Senate Bills Nos. 2 and 128 were withdrawn.

Mr. Murphy, at the request of the author of Senate Bill No. 211, had leave to withdraw said bill.

## MOTIONS—(OUT OF ORDER).

Mr. Gesford moved that Senate Bill No. 25 and Assembly Bill No. 49 be reversed in their order on the file, the latter to take the place of the former.

So ordered.

Mr. Dray moved that Substitute for Senate Bill No. 91 be printed.

So ordered.

## SPECIAL FILE—SECOND READING.

Senate Bill No. 387—An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Ordered engrossed, and to a third reading.

## SPECIAL FILE—FIRST READING.

Senate Bill No. 354—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year.

Also, Assembly Bill No. 339—An Act to appropriate the sum of ten thousand dollars for the construction of an additional cottage at the Veterans' Home, under the auspices of the Veterans' Home Association, and for the completion of the principal building already in use, and to improve the water supply of said Home.

Also, Assembly Bill No. 172—An Act to amend an "Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association," approved March 7, 1883.

Severally read first time.

## GENERAL FILE—THIRD READING.

Mr. Goucher in the chair.

Senate Bill No. 3 temporarily passed on file.

## FIRST READING OF BILL—(OUT OF ORDER).

At the request of Mr. Pinder, Senate Bill No. 341—An Act to amend section four hundred and eighty-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny—was taken up, out of order, and read first time.

## GENERAL FILE—THIRD READING—(RESUMED).

At the request of Mr. Clunie, Assembly Bill No. 55 was temporarily passed on file.

Mr. White moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

The Sergeant-at-Arms was furnished a list of absentees, and the doors closed.

Thereafter, the Sergeant-at-Arms appeared at the bar of the Senate, and reported as under arrest, Senators Spellacy and Patterson.

The absentees appearing, further proceedings under the call of the Senate were dispensed with.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 32—An Act to amend section one hundred and twenty-six of "An Act to

establish a uniform system of county and township governments," approved March 14, 1883.

Amended Senate Bill No. 14—An Act to amend section one hundred and ninety-three of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation of county and township officers, and to the appointment and salaries of deputies and extra deputies in counties of the thirty-first class.

Substitute for Assembly Bill No. 55—An Act to protect the manufacturing industries of this State.

SPELLACY, Chairman.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of the Civil Code of California.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Crimmins, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Sullivan, Walrath, White, and Yell—28.  
 NOES—Messrs. Chandler, Conklin, Crandall, Dixon, Dray, Haynes, Hinshaw, Langford, Sargent, Steele, Vrooman, and Wilson—12.

Title read and approved.

#### GENERAL FILE—THIRD READING—(RESUMED).

Mr. White in the chair.

Assembly Bill No. 55—An Act to protect the manufacturing industries of this State.

Mr. Crandall moved to commit the bill to Mr. Clunie, with the following special instructions: "No part of this Act shall apply to agricultural, vinicultural, or lumber products."

#### PREVIOUS QUESTION.

Mr. Lenahan moved the previous question.

So ordered.

The question being, "Shall the main question be now put?" it was so ordered.

Upon the motion of Mr. Crandall, the ayes and noes were demanded by Messrs. Boggs, Meany, and Hinshaw, and the Senate refused to so order, by the following vote:

AYES—Messrs. Abbott, Boggs, Conklin, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Moffitt, Patterson, Roth, Sargent, Steele, and Vrooman—16.

NOES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Clunie, Crimmins, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Rose, Spellacy, Sullivan, Walrath, White, and Wilson—22.

Assembly Bill No. 55 read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Clunie, Crimmins, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—26.

NOES—Messrs. Abbott, Boggs, Conklin, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Patterson, and Steele—12.

Title read and approved.

Mr. Vrooman gave notice of a motion to reconsider the vote just had.



## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law, from December 1, 1885, until June 30, 1887.

Also, Assembly Bill No. 112—An Act to appropriate money to pay the claim of R. F. Del Valle.

Also, Assembly Bill No. 113—An Act to appropriate money to pay the claim of B. F. Langford.

Also, Assembly Bill No. 114—An Act to appropriate money to pay the claim of Benjamin Knight.

Also, Assembly Bill No. 115—An Act to appropriate money to pay the claim of E. T. Wilkins.

Also, Assembly Bill No. 135—An Act for the remuneration of Elisha O. Crosby for money advanced to and for the State of California.

Also, Senate Bill No. 418—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year.

Also, Senate Bill No. 419—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of San Mateo County, for delivering certain insane persons at the Asylum for the Insane at Stockton, for the twenty-fourth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Assembly Bill No. 111—An Act to appropriate money to pay the claim of W. F. Brown, or his executors or administrators.

Also, Senate Bill No. 383—An Act to appropriate money to pay the claim of Max Gumpel for services rendered to the State as an expert during the trial of John S. Gray.

And recommend that they do pass, as amended.

MEANY, Chairman.

## MOTIONS—(OUT OF ORDER).

Mr. Clunie moved to take up, out of order, Senate Bill No. 291.

Mr. Vrooman moved, as an amendment, to take up, out of order, Senate Bill No. 294.

Mr. Walrath moved, as an amendment to the amendment, to take up Senate Bill No. 51.

Mr. Rose offered, as a substitute motion, to take up Senate Bill No. 186.

Mr. Steele moved an indefinite postponement of the motions before the Senate.

So ordered, upon a division vote.

Mr. Caminetti moved that two members of the Committee on Elections, and the clerk of said committee, be allowed to go to San Francisco for the purpose of taking testimony in the contested election case of "Gude vs. McDonald," pending before said committee.

Mr. Pinder sent up a written protest against the adoption of the motion of Mr. Caminetti, as follows:

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: The minority of your Committee on Elections, to whom was referred the contested election case of H. L. Gude vs. T. H. McDonald, for the office of State Senator from the Twenty-sixth Senatorial District, beg leave to report as follows:

That said case came up for consideration before said committee on the tenth day of February, 1887, at which time both parties to said contest were represented by counsel; the contestant, by Frank M. Stone, Esq., and the respondent, by J. N. Young, Esq., at which time said respondent moved for a dismissal of all proceedings in said matter, on two grounds, to wit: first, that said contestant had not filed his statement of contest with the proper officer; and, second, that said contest had not been begun within the time allowed by law, to wit: within twenty days after the issuing of the certificate of election to the sitting member. That subsequently said committee heard argument from said parties, and, after being fully advised in the premises, by a unanimous vote decided both said points in favor of said respondent, thereby holding that said contestant had failed both to file his statement with the proper officer, and, also, that he had failed

to file the same within the time allowed by law. After making this ruling, the majority of said committee determined, notwithstanding the failure of said contestant to file his statement within the proper time, and with the proper officer, to throw aside all legal forms and appoint a sub-committee to proceed to San Francisco to take testimony in said matter. To this proposition the minority of said committee would not agree, and desire to submit that the proposed action of the majority of said committee is illegal and improper, and that under the unanimous ruling of said committee on the points aforesaid, all proceedings in this matter should be dismissed.

T. J. PINDER,  
B. V. SARGENT.

Mr. Murphy moved a call of the Senate.  
So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonold, Meany, Mollitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call dispensed with.

On the motion of Mr. Caminetti, the ayes and noes were demanded by Messrs. McCarthy, Pinder, and Lenahan, with the following result:

AYES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Patterson, Rose, and Steele—15.

NOES—Messrs. Abbott, Briceland, Clunie, Crimmins, Gestford, Goucher, Jones, Lenahan, McCarthy, McCudden, Meany, Mollitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—23.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Recommended and reengrossed Senate Bill No. 389.—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections numbers one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

SPELLACY, Chairman.

#### GENERAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine.

Made special order for Wednesday next, immediately after the reading of the Journal.

Mr. Clunie moved to take up, out of order, Senate Bill No. 389.  
So ordered.

Senate Bill No. 389—An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as sections number one hundred and eighty and one hundred and eighty-one, relating to offenses against public justice.

Bill read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Mollitt, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 32—An Act to amend section one hundred and twenty-six of "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, McCudden, Moffitt, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—29.

NOES—None.

Title amended, by adding the words, "relating to the duties of Recorder."

So amended, the title was approved.

Senate Bill No. 14—An Act to amend section one hundred and ninety-three of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation of county and township officers, and to the appointment and salaries of the deputies and extra deputies in counties of the thirty-first class.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell—32.

NOES—None.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Lenahan:

*Resolved*, That Mary S. Mail be and she hereby is appointed Janitress of the Senate Post Office, instead of Assistant Postmistress, at a per diem of seven dollars, said appointment to commence and date from the day of her appointment as Assistant Postmistress; and said per diem to date from the day of her election as Assistant Postmistress.

Mr. Moffitt moved a suspension of the rules, in order to consider the resolution at this time.

So ordered.

On the adoption of the resolution the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—30.

NOES—Mr. Hinshaw—1.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 228—An Act to amend section six hundred and thirty-five of the Penal Code, relating to violations of the law for the preservation of fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 359—An Act to amend section six hundred and thirty-four of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the taking of salmon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Accompanying said reports was the following resolution:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants, payable out of the Contingent Fund of the Senate, in favor of the following named Senators, members of the Committee on Fish and Game, and the clerk of said committee, for the sums set opposite their names:

To B. V. Sargent—mileage from Sacramento to State line, and return, 286 miles ..	\$28 00
To A. Walrath—mileage from Sacramento to State line, and return, 286 miles ....	28 00
To A. F. Jones—mileage from Sacramento to State line, and return, 286 miles ....	28 00
To Geo. W. Peckham, clerk of committee—mileage from Sacramento to State line, and return, 286 miles .....	\$28 60
Telegraphing for committee.....	1 40
	<hr/> 30 00

SARGENT, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### LEAVE OF ABSENCE.

Mr. Walrath asked for two days' leave of absence for Mr. Langford. Granted.

#### GENERAL FILE—SECOND READING.

Senate Bill No. 134—An Act to amend sections two and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14."

Passed on file.

Senate Bill No. 4—An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor.

Mr. Jones offered an amendment to section two of the bill, as follows:

Sec. 2. The Trustees of the State Normal School are hereby appointed and created Trustees of said Northern Branch Normal School, with full power to select a site for the permanent location of said Northern Branch State Normal School, in some county north of the City of Marysville. Said Trustees shall, within thirty days after the passage of this Act, examine the different sites offered by the people of the northern part of this State for the location of the Northern Branch Normal School buildings, and select therefrom a suitable location for said Northern Branch State Normal School buildings; and the site selected by them shall be and remain the permanent site for the Northern Branch State Normal School; *provided*, that no buildings shall be erected for said school until a deed in fee simple of the land selected by the Board of Trustees of the State Normal School shall be made to the State.

Ayes and noes demanded by Messrs. Jones, Meany, and Bowers, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gosford, Hall, Haynes, Jones, Lendian, McCubbin, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Sargent, Spellacy, Wilson, and Yell—24.

NOES—Messrs. Bowers, Briceland, Byrnes, Candall, Goucher, Hinshaw, Patterson, Roth, Steele, Sullivan, Walrath, and White—12.

Mr. Jones moved to amend, by striking out section five of the bill. Adopted.

Also, to amend, by adding the following:

Sec. 5. Said Northern Branch State Normal School shall be governed and regulated by the same laws now governing and regulating the State Normal School.

Adopted.



### Section six, as follows:

SEC. 6. The said buildings shall be erected, and the moneys herein appropriated therefor expended under the direction of the Board of Trustees of the State Normal School, and all labor performed upon said buildings shall be by day's work.

Adopted.

SEC. 7. This Act shall take effect and be in force from and after its passage.

Adopted.

MOTION—(OUT OF ORDER).

Mr. Lenahan moved that the Committee on Constitutional Amendments be instructed to report back Senate Constitutional Amendment on to-morrow.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

*Resolved*, That J. S. Bennett and L. P. Walsh be and they are hereby appointed clerks, to compile and revise a Weekly and General History of Senate Bills, at a per diem of eight dollars each, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following substitute:

*Resolved*, That J. S. Bennett and L. P. Walsh be and they are hereby appointed clerks, to compile and revise a Semi-Weekly and General History of Senate Bills, at a per diem of five dollars each, payable out of the Contingent Fund of the Senate.

MURPHY, Chairman.

On the adoption of the substitute resolution reported by the committee the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Conklin, Crimmins, Dray, Gesford, Goucher, Hall, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Spellacy, Sullivan, Walrath, White, and Wilson—23.

NOES—Messrs. Abbott, Boggs, Caminetti, Chandler, Crandall, Dixon, Haynes, Hinshaw, Jones, and Steele—10.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. McCudden: Senate Bill No. 225—An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant, commanding Company "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company.

Referred to Committee on Claims.

MOTIONS—(OUT OF ORDER).

Mr. Goucher moved to take up, out of order, Senate Bill No. 36.

So ordered.

Senate Bill No. 36—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled "An Act to define, regulate, and govern State Prisons of California."

Read first time.

Mr. McCarthy moved to suspend the rules, and make said bill the special order for to-morrow, immediately after the reading of the Journal.

Ayes and noes demanded by Messrs. Wilson, Yell, and Sargent, and the motion prevailed by the following vote:

AYES—Messrs. Byrnes, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, Sullivan, and White—21.

NOES—Messrs. Boggs, Bowers, Caminetti, Conklin, Hall, Haynes, Hinshaw, Patterson, Rose, Roth, Sargent, Steele, Wilson, and Yell—14.

Mr. Wilson moved to take a recess until seven o'clock and thirty minutes this P. M.

Ayes and noes demanded by Messrs. Wilson, Roth, and Yell, and the motion was lost by the following vote:

AYES—Messrs. Boggs, Brieckland, Byrnes, Caminetti, Clunie, Dixon, Gestford, Jones, McDonald, Murphy, Patterson, Pinder, Steele, and Wilson—14.

NOES—Messrs. Bowers, Chandler, Conklin, Crandall, Crimmins, Dray, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCudden, Moffitt, Rose, Roth, Sargent, Spellacy, Sullivan, White, and Yell—20.

#### GENERAL FILE—SECOND READING—(RESUMED).

Senate Bill No. 122 passed temporarily.

Senate Bill No. 70 read second time.

Substitute for section three, by Mr. Boggs:

SEC. 3. The Medical Superintendent of the State Prison at San Quentin shall also act as Medical Superintendent of said asylum. The said Medical Superintendent shall, under the direction of the Board of State Directors, have charge of said asylum. The Warden of the State Prison at San Quentin shall appoint all other officers and employes that the Board of State Prison Directors may deem necessary for the proper management of said asylum. The Board shall fix their compensation and prescribe their duties.

Adopted.

Mr. Boggs moved to amend section five, as follows: by striking out the word "Physician," in line five, section five, and inserting the words "Medical Superintendent," instead.

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Mr. Chandler asked to transpose Senate Bill No. 223 so that it would take the place of Senate Bill No. 101 on the file.

So ordered.

#### RECESS.

At five o'clock and twenty-five minutes P. M. Mr. Dray moved to take a recess until seven o'clock and thirty minutes P. M. this evening.

So ordered.

#### REASSEMBLED—FIRST EVENING SESSION.

At seven o'clock and thirty minutes P. M. the Senate met in evening session.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Byrnes, Caminetti, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, and White.

Quorum present.

GENERAL FILE—SECOND READING.

Assembly Bill No. 122—An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine, and six hundred and thirty, of the Political Code of this State, all of said sections relating to insurance.

Ordered to a third reading.

Senate Bill No. 170—An Act to amend section six hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to the compensation of Fish Commissioners.

Read second time, and committee amendment, as follows: in line four of the printed bill, being line seven of the original bill, after the words "sum of," strike out the word "seven," and the figure "7," and insert, in lieu thereof, the word "five," and the figure "5," considered.

Pending consideration, Mr. Murphy moved to strike out the enacting clause.

Ayes and noes demanded by Messrs. Clunie, Patterson, and Roth, and the motion prevailed by the following vote:

AYES—MESSRS. Abbott, Briceland, Byrnes, Clunie, Crandall, Dixon, Dray, Haynes, Hinshaw, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, and Wilson—18.  
 NOES—MESSRS. Boggs, Bowers, Caminetti, Chandler, Conklin, Crummins, Goucher, Jones, Lenahan, McCarthy, McCudden, Pinder, Steele, Sullivan, Walrath, and White—16.

Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Committee amendment, as follows: after the word "Commissioners," in line twelve, printed bill, add the words, "and the President of the Board of Fish Commissioners shall execute a bond to the people of the State of California in the sum of two thousand dollars for the faithful performance of the duties imposed upon him by this Act."

Adopted.

Amend, by striking out all after the words "provisions of this Act," in line six, of printed bill.

Lost.

Amendments proposed in Senate, as follows:

By Mr. Crandall: in line six, printed bill, insert, after the word "cent," the words "to pay."

Adopted.

Amendment by Mr. Goucher, as follows: strike out of section three the words beginning with the word "and," in line six, of the printed bill, and ending with the word "duties," in line seven.

Adopted.

Amend section three, as follows: insert, in line seven of the printed bill, between the words "necessary" and "expense," the word "traveling;" also, insert, before the word "their," the word "and," in the same line.

Adopted.

Also, strike out of line eight, in section three of the printed bill, the words "and such mileage as is provided by law for members of the Legislature of this State."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Senate Bill No. 274—An Act making appropriations for the erection of buildings and for other improvements at the State Prison at San Quentin.

Read second time, ordered engrossed, and to a third reading.

#### GENERAL FILE—FIRST READING.

Senate Bill No. 34—An Act to provide for the better protection and security of life and property in the use of steam boilers.

Also, Senate Bill No. 78—An Act to amend section one hundred and seventy of the Code of Civil Procedure, relating to disqualifications of Judges.

Also, Senate Bill No. 222—An Act to confine the power to impose license taxes in incorporated cities and towns, other than consolidated cities and counties, to the corporate authorities of such cities and towns.

Also, Senate Bill No. 173—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand one hundred and twenty-nine, relating to the sale of mortgaged premises by a Commissioner.

Also, Assembly Bill No. 49—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to chattel mortgages.

Also, Senate Bill No. 121—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury.

Severally read first time.

#### MOTION—(OUT OF ORDER).

Mr. Abbott moved to take up Assembly message.

So ordered.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 12—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition and distribution of water thereby for irrigation purposes.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MARSTON, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Mr. Abbott moved to suspend the rules, and take up, out of order, Assembly Bill No. 12, and that the same be now read first time.

Mr. Wilson moved a call of the Senate.

Lost.

On Mr. Abbott's motion, the ayes and noes were demanded by



Messrs. Abbott, Meany, and Bowers, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crimmins, Dray, Goucher, Haynes, Hinshaw, Jones, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Walrath, and White—24.

NOES—Messrs. Boggs, Crandall, Dixon, Gesford, Lenahan, Pinder, Rose, Steele, Sullivan, and Wilson—10.

Assembly Bill No. 12—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition and distribution of water thereby for irrigation purposes.

Read first time.

Mr. Clunie moved to substitute Senate Bill No. 291 (102 on the file) for Senate Bill No. 62 (32 on the file).

So ordered.

Senate Bill No. 25—An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial.

Read first time.

Senate Bill No. 103—An Act to enlarge the State Library by purchase, and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase.

Mr. Clunie moved to strike out the enacting clause of the bill.

Mr. Lenahan moved the previous question.

Lost.

#### LEAVE OF ABSENCE.

Mr. Haynes was granted leave of absence for the remainder of the day.

Mr. Roth was also granted leave of absence for the remainder of the day.

Mr. Boggs moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hinshaw, Jones, Lenahan, McCarthy, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion of Mr. Clunie, further proceedings under the call were dispensed with.

The ayes and noes were demanded upon Mr. Clunie's motion to strike out the enacting clause of Senate Bill No. 103, and the Senate refused to so order by the following vote:

AYES—Messrs. Caminetti, Clunie, Crandall, Dixon, Gesford, Hinshaw, Jones, Lenahan, Meany, Moffitt, Patterson, Pinder, Rose, Sargent, Steele, and Sullivan—16.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crimmins, Dray, Goucher, McCarthy, Murphy, Spellacy, Vrooman, Walrath, White, Wilson, and Yell—18.

#### ADJOURNMENT.

At ten o'clock and twenty minutes P. M., and pending the consideration of Senate Bill No. 103, on motion of Mr. Clunie, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 19, 1887. }

Senate met pursuant to adjournment.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Deay, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Meany was granted leave of absence until Wednesday next.

Mr. Hall was granted leave of absence for one day; as, also, was the Committee on Military Affairs, and its clerk, granted leave of absence until Wednesday next.

## REPORTS OF STANDING COMMITTEES.

## ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 18, 1887.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 401—Entitled an Act to prevent cattle and live stock from running at large on the public roads and highways of this State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HINSHAW, Chairman.

## ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bills Nos. 234, 369, 379, 345, and 72—have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

## INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred as follows:

By Mr. Hinshaw: Senate Bill No. 426—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

Referred to Committee on Education.

By Mr. Meany: Senate Bill No. 427—An Act to amend section twenty-eight of an Act entitled "An Act to regulate fees of office, and to repeal certain other Acts in relation thereto," approved March 5, 1870, as amended March 1, 1872.

Referred to Committee on Judiciary.

At the request of Mr. Jones, Senate Bill No. 119 (88 on file) and Senate Bill No. 330 (168 on file) were ordered transposed on file.

#### CALL OF THE SENATE.

Mr. Clunie moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Messrs. Crimmins, Rose, and Yell were reported absent without leave.

#### LEAVE OF ABSENCE.

Mr. Yell was granted one day's leave of absence, when, on motion, further proceedings under the call were dispensed with.

Thereupon, Mr. Clunie moved that the vote whereby Assembly Bill No. 55 was, on yesterday, passed by the Senate, be reconsidered.

Mr. Goucher moved an indefinite postponement of the motion to reconsider.

The ayes and noes were demanded by Messrs. Vrooman, Goucher, and Walrath, and the motion of indefinite postponement prevailed by the following vote:

AYES—MESSRS. BOWERS, BRICELAND, CAMINETTI, CLUNIE, CONKLIN, CRANDALL, CRIMMINS, GESFORD, GOUCHER, JONES, LENAHAN, MCCARTHY, MCCUDDEN, McDONALD, MOFFITT, MURPHY, PINDER, SARGENT, SPELLACY, SULLIVAN, WALRATH, WHITE, and WILSON—23.

NOES—MESSRS. ABBOTT, BOGGS, BYRNES, CHANDLER, DIXON, DRAY, HAYNES, HINSHAW, PATTERSON, ROTH, STEELE, and VROOMAN—12.

#### MOTION—(OUT OF ORDER).

Mr. Vrooman moved that Senate Bill No. 39 (167 on the file) be referred to the Committee on Banks and Banking, and the bill to retain its place on the file.

So ordered.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February —, 1887.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contested election case of H. L. Gude vs. Thos. H. McDonald, sitting member for the Twenty-sixth Senatorial District—have had the same under consideration, and now submit the following report:

The committee finds the following facts from the evidence submitted:

*First*—That the Registrar of Voters of the City and County of San Francisco made and signed his certificate of election, certifying that Hon. Thos. H. McDonald was elected Senator for the Twenty-sixth Senatorial District, the certificate bearing date November thirtieth, eighteen hundred and eighty-six.

*Second*—That on the twenty-fourth day of December, eighteen hundred and eighty-six, said H. L. Gude, contestant, filed his statement initiating his contest with the Registrar of Voters.

As conclusions of law from the above findings, the committee report:

*First*—That no contest was commenced within twenty days after the issuing of the certificate of election to said Hon. Thos. H. McDonald.

*Second*—The statement initiating the contest, even if it had been filed in time, was not filed with the proper officer. The committee construe the law to the effect that a contest is commenced by filing the statement with the County Clerk, not the Registrar of Voters.

A majority of the committee, notwithstanding this irregularity, was willing to examine into the merits of the contest to see if there was probable cause to proceed further with the proceedings. After submitting the request to be permitted so to do by a sub-committee, and being refused by a decided majority of the Senate, the committee, with the refusal as an intimation that the contest not being filed in time, nor with the proper officer, it was the judgment of the Senate that the same should be dismissed.

Therefore, we recommend that said contest be dismissed, and that the Hon. Thos. H. McDonald be and he is hereby declared to be entitled to a seat in this body as Senator from the Twenty-sixth Senatorial District of the State of California.

CAMINETTI, Chairman.

Report adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Clunie: Senate Bill No. 428—An Act to add a new section to the Political Code, to be numbered section three thousand two hundred and thirty-five, relating to the furnishing of supplies, under contract, to all public institutions under the control of the State, or of any county, city and county, city, or town thereof.

Referred to Committee on Judiciary.

By Mr. Wilson (by request): Senate Bill No. 429—An Act to repeal section three hundred and six of the Civil Code of the State of California, relating to the election of directors of corporations.

Referred to Committee on Corporations.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bill No. 70—An Act to establish an asylum for insane criminals of the State of California.

Senate Bill No. 4.

Senate Bill No. 387—An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Substitute for Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine.

Senate Bill No. 274—An Act making appropriations for the erection of buildings and for further improvements at the State Prison at San Quentin.

SPELLACY, Chairman.

Mr. McCudden requested to have Senate Bills Nos. 385 and 359 (252 and 270 respectively on the file) transposed with Senate Bills Nos. 273 and 225 (Nos. 152 and 153 on the General File for first reading).

Request granted.

Mr. Caminetti requested that Assembly Bill No. 37 (207 on the file) be substituted in place of Senate Bill No. 124 (31 on file).

Request granted.

Mr. Crandall requested that Senate Bill No. 342 (246 on file) and Senate Bill No. 200 (35 on file) be also transposed on the file.

Granted.

#### SPECIAL ORDER.

Senate Bill No. 36—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature,



A. D. 1880, entitled "An Act to define, regulate, and govern State Prisons of California."

Mr. Jones offered, as a substitute for section two, the following: after the word "improvement," in line six, as follows: insert "or persons supported, or partly supported, in public institutions, at the expense of the State of California, or in the manufacture and hewing of stone for the use of the State in the erection and repair of public buildings only."

Also, in line ten, section two, after the word "goods," insert "or for hewing stone or granite."

Also, in line twelve, section two, after the word "manufactured," insert the words "from jute."

Also, in line twenty-three, section two, after the word "August," by inserting the following amendment: "And it shall be the duty of the Board of Directors and Wardens to carry over until the twenty-first day of June of each year as much of the stock of grain bags as the condition of the Jute Revolving Fund will allow, and to give preference to the applications of actual consumers from said date until August first next."

Also, in line twenty-five, section two, after the word "sold," insert the words "under the provisions of this chapter."

Also, in line twenty-six, section two, after the word "the," insert the words "revolving jute."

#### RESOLUTION—(OUT OF ORDER).

Pending consideration of said amendment, Mr. Murphy had leave to introduce the following resolution:

*Resolved*, That when the Senate adjourns to-day, it adjourns until Wednesday, February twenty-third, in honor of the one hundred and fifty-fourth anniversary of the birth-day of the Father of his country, George Washington.

Mr. Caminetti moved to amend, by striking out the words "two o'clock and thirty minutes P. M."

Amendment accepted, and resolution, so amended, adopted.

Mr. Clunie moved to extend the hour of recess until one o'clock P. M.

Ayes and noes demanded by Messrs. Vrooman, Boggs, and Patterson, and the motion of Mr. Clunie was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Murphy, Patterson, Spellacy, Vrooman, and Wilson—22.

NOES—Messrs. Caminetti, Conklin, Gesford, Goucher, Lenahan, Pinder, Roth, Sargent, Steele, Sullivan, Walrath, and White—12.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 394—An Act providing for the construction of fishways, defining the duties of Clerks of the Board of Supervisors in relation thereto; also, of the Boards of Supervisors of the different counties in the State; also, of owners of dams across rivers or streams, and fixing certain penalties for a failure to conform to the provisions thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 395—An Act providing for the construction of fishways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SARGENT, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

No. 162.

SPELLACY, Chairman.

Consideration of Mr. Jones' substitute for section two of Senate Bill No. 36, resumed.

Pending consideration of the same, Mr. Clunie moved that Senate Bill No. 36, and pending question thereon, be made the special order for Wednesday next, at two o'clock and thirty minutes p. m., and the Senate so ordered.

## MOTION.

Mr. Vrooman moved a suspension of the rules, and that Senate Bill No. 216 (25 on file), Senate Bill No. 291 (26 on file), Senate Bill No. 294 (146 on file), Senate Bill No. 328 (147 on file), and Senate Bill No. 343 (217 on file), be taken up for first reading in the order presented.

Mr. Goucher moved to amend, by adding to the bills to be taken up Assembly Bill No. 62 (247 on file).

Mr. Sullivan moved, as an amendment to the amendment, that Senate Bill No. 188 (55 on file) be also taken up.

Mr. Sullivan's amendment to the amendment was adopted.

Mr. Goucher's amendment was also adopted.

Upon the adoption of Mr. Vrooman's motion, so amended, the ayes and noes were demanded by Messrs. Steele, Caminetti, and Dixon, and the motion adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dray, Gestford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—27.

NOES—Messrs. Caminetti, Crandall, Dixon, Haynes, Hinshaw, Moffitt, and Steele—7.

The bills so taken up out of order, to wit: Senate Bills Nos. 216, 219, 294, 328, 343, 217, Assembly Bill No. 62, and Senate Bill No. 188, all having been read the first time, Mr. Clunie moved that they go upon the Special File, in the order named.

The ayes and noes were demanded by Messrs. Moffitt, Clunie, and Caminetti, and the motion for such disposition of the bills prevailed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Dray, Goucher, Jones, McCarthy, McCudden, McDonald, Murphy, Patterson, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, and White—22.

NOES—Messrs. Caminetti, Crandall, Dixon, Haynes, Hinshaw, Moffitt, Sargent, and Steele—8.

Mr. Walrath also moved a suspension of the rules, and that Senate Bill No. 51 (42 on file) and Senate Bill No. 56 (27 on file) be taken up for first reading, in the order named.

Mr. Abbott moved, as an amendment, that Assembly Bill No. 69 (174 on file) be also taken up for first reading.

Mr. Moffitt moved, as an amendment to the amendment, that Senate Bill No. 37 (46 on file) and Senate Bill No. 257 (87 on file) be also taken up for first reading, in the order named.

Mr. Crandall moved, as a substitute, to take up Senate Bill No. 342 (246 on the file).

## REPORT—(OUT OF ORDER).

Pending consideration of Mr. Crandall's substitute motion, Mr. Caminetti had leave to introduce a report from the Committee on Elections, as follows:

SENATE CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contested election case of W. H. Williams against Hon. P. J. Crimmins, sitting member from the Twenty-third Senatorial District, have had the same under consideration, and submit the following report: Testimony, on behalf of the contestant, was submitted to the committee. From the testimony, and the law applicable thereto, the committee find that contestant has failed to prove the allegations of his statement. Therefore, the committee recommend that said contest be dismissed, and that Hon. P. J. Crimmins be and is hereby declared legally elected and entitled to a seat in this body as Senator from the Twenty-third Senatorial District, State of California.

CAMINETTI, Chairman.

## BILL WITHDRAWN.

Mr. Jones asked and obtained leave to withdraw Senate Bill No. 141.

## CALL OF THE SENATE.

Mr. Walrath moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

On motion of Mr. Clunie, further proceedings under the call of the Senate were dispensed with.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 5—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCDONALD, Acting Chairman.

## NOTICE.

Mr. Hinshaw gave notice of an amendment to the Standing Rules of the Senate, as follows:

I give notice that I will, at the next session of the Senate, move to amend the Standing Rules of the Senate, by amending Rule 8, to read as follows:

"The Secretary shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State Government and State institutions, revenue, constitutional amendments, and all laws in relation to public schools, in the order named, and in the order in which the same may be reported to the Senate, and he shall place no other bills thereon."

C. E. HINSHAW.

Mr. Clunie moved to adjourn.

Ayes and noes demanded by Messrs. Caminetti, Walrath, and Bowers, and the Senate refused to adjourn by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Chancellor, Clinie, Conklin, Crimmins, Dray, Lenahan, McCudden, McDonald, Murphy, Sargent, Spellacy, Sullivan, and Vrooman—16.  
 NOES—Messrs. Abbott, Briceland, Caminetti, Crandall, Dixon, Gestord, Haynes, Hinshaw, Jones, McCarthy, Moffitt, Patterson, Pinder, Roth, Steele, Walrath, White, and Wilson—18.

## RECESS.

At one o'clock P. M. the Chair declared a recess, under the rules, until one o'clock and thirty minutes P. M.

## REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.  
 President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Briceland, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson.

## LEAVE OF ABSENCE.

At the request of Mr. Briceland, a sub-committee of the Committee on State Hospitals were granted leave of absence to visit Los Angeles, to investigate institutions at that place receiving State aid.

## ADJOURNMENT.

At one o'clock and forty-five minutes P. M., on motion of Mr. Lenahan, the Senate adjourned, under the resolution adopted at the morning session, until Wednesday, the twenty-third instant, at ten o'clock A. M.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, February 23, 1887. }

Senate met pursuant to adjournment.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Lenahan, Patterson, Pinder, Rose, Roth, Steele, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of Saturday last read and approved.

## PETITION.

By Mr. Goucher: From wine growers in Fresno County, in opposition to the so called Coombs bill, relating to the wine interests of the State.



Petition considered read and placed on file with Senate Bill No. 219.

#### LEAVE OF ABSENCE.

Leave of absence was granted, for one day each, to Messrs. Meany, Hall, and Bowers.

#### REPORTS OF STANDING COMMITTEES.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 23, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the Senate Bills mentioned in the annexed exhibit, have had the same under consideration, and respectfully report the same back, with the several recommendations appearing in said annexed exhibit.

WHITE, Acting Chairman.

##### EXHIBIT.

Present: Messrs. Wilson, Jones, Haynes, Abbott, and White.

Senate Bill No. 295—do not pass.

Senate Bill No. 151—do not pass.

Senate Bill No. 187—without recommendation.

Senate Bill No. 339—without recommendation.

Senate Bill No. 185—without recommendation.

Senate Bill No. 11—do not pass.

Senate Bill No. 375—without recommendation.

Senate Bill No. 371—do not pass.

Senate Bill No. 370—do pass.

Senate Bill No. 367—recommend that it be amended so as to read as follows:

An Act to amend section four hundred and ninety-one of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to larceny, and fixing the status of dogs as property.

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four hundred and ninety-one of the Penal Code of said State is hereby amended so as to read as follows:

491 Dogs are property within the meaning of the term property, as used in this chapter.

Senate Bill No. 366—do not pass.

Senate Bill No. 405—do not pass.

Senate Bill No. 396—do not pass.

Senate Bill No. 398—amended, by striking out section four, and, as amended, recommend that it do pass.

Senate Bill No. 403—without recommendation.

Senate Bill No. 404—do not pass.

Senate Bill No. 407—do pass.

Senate Bill No. 410—do pass.

##### ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February —, 1887.

MR. PRESIDENT: The Committee on Constitutional Amendments, to whom were referred the following proposed amendments to the Constitution—have had the same under consideration, and respectfully report the same back, with the recommendation as to each thereafter following, to wit:

Senate Constitutional Amendment No. 1—with recommendation that it be adopted.

Senate Constitutional Amendment No. 2—with recommendation that it be adopted.

Senate Constitutional Amendment No. 4—with recommendation that it be adopted.

Senate Bill No. 254—with recommendation that it do not pass, as the provisions of Senate Constitutional Amendment No. 2 embraces the same subject-matter, and is more satisfactory in form and substance.

STEPHEN M. WHITE.  
HENRY VROOMAN.  
J. P. HAYNES.  
GEO. STEELE.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Joint Resolution No. 2—Relative to the election of United States Senator.

FRANK D. RYAN, Chief Clerk.

Assembly Joint Resolution No. 2, above reported, was referred to Committee on Federal Relations.

#### SPECIAL ORDER.

Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wines—made the special order for this afternoon, immediately after the disposition of the special order, Senate Bill No. 36, already set.

The question before the Senate being upon the motion of Mr. Walrath for a suspension of the rules, and that Senate Bill No. 51 (42 on file) and Senate Bill No. 56 (27 on file) be taken up for first reading, in the order named, and the subsidiary motions thereto.

Senator Dray moved to indefinitely postpone the said motions whereby it was moved to suspend the rules.

So ordered.

#### SPECIAL FILE—THIRD READING.

Senate Constitutional Amendment No. 3—Proposing an amendment to section two, of Article IV, of the Constitution of the State of California.

Passed on file.

Senate Bill No. 387—An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Mr. Conklin moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Patterson, Pinder, Rose, Roth, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Mr. Vrooman moved that further proceedings under the call be dispensed with.

So ordered.

The bill was then passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Patterson, Rose, Roth, Steele, Sullivan, Walrath, White, and Wilson—28.

NOES—Messrs. Pinder and Vrooman—2.

Title read and approved.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 354—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year.

Read second time, ordered engrossed, and to a third reading.

Assembly Bill No. 339—An Act to appropriate the sum of ten thousand dollars for the construction of an additional cottage at the Veterans' Home, under the auspices of the Veterans' Home Association, and for the completion of the principal building already in use, and to improve the water supply of said Home.

Read second time, and ordered to a third reading.

Assembly Bill No. 172—An Act to amend "An Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association," approved March 7, 1883.

Read second time, and ordered to a third reading.

Senate Bill No. 216—An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof.

Mr. Vrooman offered the following amendments: amend, by striking out section eleven, and adding, in lieu thereof, the following:

SEC. 11. Nothing in this Act shall repeal, modify, change, or have any effect upon any of the provisions of an Act of the Legislature of the State of California entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property and the creation of trusts for the founding, endowment, erection, and maintenance within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885.

Adopted.

Also, add:

SEC. 12. This Act shall take effect immediately.

Adopted.

So amended, Senate Bill No. 216 was ordered engrossed, and to a third reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Vrooman:

WHEREAS, The committees to whom were referred the bills hereinafter designated have recommended that said bills do not pass; now, therefore,

*Resolved*, That the Secretary be and he is hereby instructed to place the bills hereinafter designated at the foot of the file, in the order they now stand upon the file, to wit:

Senate Bill No. 117, No. 41 on Senate General File.

Senate Bill No. 183, No. 71 on Senate General File.

Senate Bill No. 119, No. 92 on Senate General File.

Senate Bill No. 43, No. 93 on Senate General File.

Senate Bill No. 8, No. 111 on Senate General File.

Senate Bill No. 227, No. 131 on Senate General File.

Senate Bill No. 63, No. 145 on Senate General File.

Senate Bill No. 143, No. 167 on Senate General File.

Senate Bill No. 6, No. 180 on Senate General File.

Senate Bill No. 104, No. 186 on Senate General File.

Senate Bill No. 154, No. 189 on Senate General File.

Senate Bill No. 196, No. 191 on Senate General File.

Senate Bill No. 314, No. 197 on Senate General File.  
 Senate Bill No. 266, No. 202 on Senate General File.  
 Senate Bill No. 275, No. 203 on Senate General File.  
 Senate Bill No. 277, No. 204 on Senate General File.  
 Assembly Bill No. 68, No. 216 on Senate General File.  
 Senate Bill No. 315, No. 225 on Senate General File.  
 Senate Bill No. 290, No. 226 on Senate General File.  
 Senate Bill No. 384, No. 232 on Senate General File.  
 Senate Bill No. 278, No. 238 on Senate General File.  
 Assembly Bill No. 74, No. 239 on Senate General File.  
 Assembly Bill No. 103, No. 240 on Senate General File.  
 Assembly Bill No. 158, No. 243 on Senate General File.  
 Senate Bill No. 401, No. 278 on Senate General File.

*Resolved, further,* That the Secretary of the Senate be and he is hereby instructed to place all bills that are hereafter reported from their respective committees, with the recommendation that they do not pass, at the foot of the file, in the order in which they may be so reported. This shall include all bills so reported to-day.

Adopted.

#### SPECIAL FILE—SECOND READING—(RESUMED).

Senate Bill No. 291—An Act to prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods.

Also, Senate Bill No. 294—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to corporations.

Severally read second time, ordered engrossed, and to third reading.

Senate Bill No. 328—An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse, to be used for the storage of the same, authorizing the appointment of a storekeeper to have care and custody of said text-books, and appropriating money to pay the expense of erecting said warehouse, and the salary of such storekeeper.

Mr. McDonald moved to amend, by striking out, in section one, the words "and which shall contain a suitable and convenient office for a storekeeper."

Adopted.

Also, strike out section two.

Adopted.

Also, strike out the words "section three," and insert in lieu thereof, the words "section two."

Mr. Vrooman moved to amend the title so as to read as follows:

An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse, to be used for the storage of the same, and appropriating money to pay the expenses of erecting said warehouse.

Adopted.

Bill read second time, ordered engrossed, and to third reading, and title, as amended, read and approved.

Senate Bill No. 343—An Act to add two new sections to the Political Code, to be known and numbered as sections three thousand two hundred and three thousand two hundred and one, relating to trademarks, the use and adoption of the same, and the person who, and the manner by which said trademark and the rights thereunder may be protected.

Read second time, ordered engrossed, and to third reading.

Assembly Bill No. 62—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the



organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, and ordered to a third reading.

Senate Bill No. 188—An Act to amend an Act entitled "An Act to grant Boards of Health, or Health Officers, in cities and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers," approved March 3, 1885, by amending sections one and two thereof.

Read second time, ordered engrossed, and to third reading.

Messrs. McCudden, Clunie, and Hall, reported present.

#### SPECIAL FILE—FIRST READING.

Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law, from December 1, 1885, until June 30, 1887.

Read first time.

#### GENERAL FILE—THIRD READING.

Senate Bill No. 4—An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor.

Mr. Briceland moved to pass the bill on the file.

Lost.

Mr. Jones moved a call of the Senate.

Lost.

The question being upon the passage of the bill:

The roll was called, and the Senate refused to pass the bill, by the following vote:

AYES.—Messrs. Boggs, Caminetti, Conklin, Crandall, Crimmins, Dixon, Gesford, Hall, Lenahan, McCarthy, McCudden, McDonald, Rose, Sullivan, Walrath, White, and Wilson—17.

NOES.—Messrs. Abbott, Briceland, Chandler, Clunie, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Moffitt, Patterson, Roth, and Steele—14.

#### NOTICE.

Mr. Jones gave notice of a motion to reconsider the vote just had, whereby the Senate refused to pass Senate Bill No. 4.

#### RECESS.

The hour, twelve o'clock M., having arrived, the President declared a recess under the rules until one o'clock and thirty minutes this P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Patterson, Pinder, Rose, Sargent, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Quorum present.

The General File, third reading, pending when the Senate took a recess, resumed.

Assembly Bill No. 122—An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine, and six hundred and thirty of the Political Code of this State, all of said sections relating to insurance.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

Title amended as follows: after the words "six hundred and thirty," insert, as follows: "of an Act entitled an Act to establish a Political Code, approved March 12, 1872."

The title, so amended, read and approved.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By unanimous consent, bills were introduced, read by title, and disposed of as follows:

By Mr. Murphy: Senate Bill No. 430—An Act to provide for the completion of all unfinished county buildings in the several counties, cities and counties, cities, and towns throughout the State of California.

Ordered placed on file.

Mr. Clunie moved that the bill be read first time.

Mr. Crandall objected.

Upon the question, "Shall the bill be now read a first time?"

The roll was called, and the bill read first time by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, Wilson, and Yell—31.

NOES—Messrs. Conklin, Crandall, Goucher, Langford, Steele, and White—6.

By Mr. Briceland: Senate Bill No. 431—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Ordered on file.

By Mr. Hall (by request): Senate Bill No. 432—An Act to amend an Act entitled an Act to regulate fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March 5, 1870.

Referred to Committee on Judiciary.

By Mr. Crandall: Senate Bill No. 433—An Act to amend section one thousand six hundred and ninety-six of the Code of Civil Procedure.

Referred to Committee on Judiciary.

By Mr. Vrooman: Senate Bill No. 434—An Act to amend the Penal Code of California by adding thereto two new sections, to be known

and numbered four hundred and twenty and four hundred and twenty-one, relating to interference with laborers.

Referred to Committee on Judiciary.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

ON STATE PRISON AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 23, 1887.

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings, to whom was referred Senate Bill No. 146—An Act to establish, regulate, manage, and govern State Industrial Home for Boys—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 191—An Act making an appropriation for the purchase of additional jute machinery and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

## RESOLUTION—(OUT OF ORDER.)

By Mr. Gesford:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators Gesford, Conklin, Bowers, and Caminetti, for ninety-five dollars and sixty cents each, due them as members of Committee on Education, for visiting the State Normal School at Los Angeles; also, that the Controller be directed to draw his warrant in favor of J. I. McConnell, clerk of said committee, for ninety-five dollars and sixty cents, mileage due in accompanying said committee from Sacramento to Los Angeles.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

## CONSIDERATION OF BILL—(OUT OF ORDER.)

Mr. Patterson moved to take up, out of order, Senate Bill No. 271, and have the same read first time.

So ordered.

Senate Bill No. 271—An Act to encourage and provide for a general vaccination in the State of California.

Read first time, and ordered to a second reading.

## GENERAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 70—An Act to establish an asylum for insane criminals of the State of California.

Read third time.

Mr. Boggs moved that the bill be committed to a special committee, consisting of Mr. Wilson, with instructions to amend as follows: strike out section six.

Mr. Clunie moved to amend, by striking out the enacting clause of the bill.

Lost.

Mr. Boggs' motion to recommit, as aforesaid, was then put and carried.

## MOTIONS—(OUT OF ORDER.)

Mr. Wilson moved to reconsider the vote whereby the title to Assembly Bill No. 122 was amended and approved at the morning session.

So ordered.

Mr. Wilson then withdrew the amendment referred to, to title of the bill, and, upon further order, the original title was allowed to stand.

Title read and approved.

Mr. Clunie moved that the consideration of Senate Bill No. 36 be postponed until to-morrow, at two o'clock and thirty minutes p. m.

So ordered.

#### SPECIAL ORDER.

Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine.

Read third time.

Mr. Goucher moved to commit the bill to a select committee, consisting of Mr. Caminetti, with instructions to amend, by striking out section six, and to renumber the remaining sections.

Lost.

Mr. Goucher moved to commit the bill to a select committee, consisting of Mr. Gesford, with instructions to amend, in the following manner:

Mr. Goucher moved that the Substitute for Senate Bill No. 219 be referred to a special committee of one, to consist of Senator Gesford, with special instructions to strike out the following words, concluding section eight, viz.: "All moneys collected by virtue of prosecutions had against persons violating any provision of this, or any preceding sections, shall go, one half to the informer and one half to the District Attorney prosecuting the same."

Lost.

Senate Bill No. 219 passed by the following vote:

AYES—Messrs. Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crinimus, Dixon, Dray, Gesford, Hall, Haynes, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—Messrs. Goucher and Hinshaw—2.

Title read and approved.

#### REPORT OF SELECT COMMITTEE ON SENATE BILL No. 70.

MR. PRESIDENT: Your special committee appointed to amend Senate Bill No. 70, begs leave to report that said Senate Bill No. 70 be amended, by striking out section six thereof.

WILSON, Committee.

Report adopted.

#### MOTION TO RECOMMIT.

Mr. White moved to recommit said Senate Bill No. 70 to a select committee, consisting of Mr. Clunie, with instructions to amend section eight, printed copy, by striking out the word "twenty," in line two, and insert in lieu thereof the word "five."

Mr. Clunie moved, as an amendment, to strike out the word "twenty," and insert in lieu thereof the word "two."

Mr. Clunie's amendment being put, it was lost by a vote of ten to twenty-two, a division being had.

The question being upon Mr. White's motion, the ayes and noes were demanded by Messrs. White, Clunie, and Briceland, and the motion was refused by the following vote:



AYES—Messrs. Byrnes, Clunie, Crimmins, Dray, Gesford, Hall, Lenahan, McCarthy, McDonald, Murphy, Rose, Vrooman, Walrath, and White—14.

NOES—Messrs. Boggs, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Goucher, Haynes, Hinshaw, Jones, Langford, McCudden, Moffitt, Patterson, Pinder, Roth, Spellacy, Steele, Wilson, and Yell—21.

Mr. Boggs moved that the bill be recommitted to a special committee, consisting of Mr. Caminetti, with instructions to renumber the sections, and forthwith report the same back, such action being necessary, because of an amendment having been adopted whereby section six was eliminated from the bill.

Mr. Clunie moved, as an amendment, that the report of such select committee be made on to-morrow.

Lost.

Mr. Boggs' motion prevailed.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By unanimous consent, bills were introduced, out of order, read by title, and referred as follows:

By Mr. White: Senate Bill No. 435—An Act authorizing the incurring of indebtedness by cities incorporated under the laws of this State.

Ordered on file.

By Mr. Steele: Senate Bill No. 436—An Act to establish a State Board of Charities and Reform, to prescribe the duties thereof, and to provide for their expenses.

Referred to Committee on Public Morals.

#### BILL CONSIDERED—(OUT OF ORDER).

Mr. Crandall moved to take up Senate Bill No. 342, and that the same be read first time.

So ordered.

Senate Bill No. 342—An Act authorizing the incurring of indebtedness by cities incorporated under the laws of this State.

Bill read first time, and, upon further order, placed on Special File.

#### REPORT OF SELECT COMMITTEE ON SENATE BILL No. 70.

MR. PRESIDENT: Your committee, appointed with special instructions to renumber Senate Bill No. 70, hereby report that the sections of said bill have been renumbered as directed.

A. CAMINETTI.

Adopted.

Senate Bill No. 70 ordered reëngrossed.

#### GENERAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Dixon, Dray, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, Moffitt, Patterson, Pinder, Roth, Sargent, Spellacy, Vrooman, Walrath, White, Wilson, and Yell—27.

NOES—Messrs. Clunie, Haynes, Hinshaw, Langford, and Steele—5.

Title read and approved.

## MOTION—(OUT OF ORDER).

Mr. Clunie moved to take up, out of order, and have read first time, the following bills, to wit: Senate Bill No. 67 (151 on file), Senate Bill No. 69 (34 on file), Senate Bill No. 262 (128 on file), Senate Bill No. 292 (194 on file), Senate Bill No. 127 (100 on file), Senate Bill No. 257 (91 on file), Senate Bill No. 56 (33 on file), Senate Bill No. 157 (153 on file), and Assembly Bill No. 78 (110 on file).

Mr. Wilson moved to amend, by adding thereto, as follows: Assembly Bills Nos. 10, 8, and 9 (respectively 52, 53, and 54 on file), and Senate Bills Nos. 145, 288, and 289 (respectively 45, 77, and 105 on file).

Mr. Walrath moved, as an amendment to the amendment, that Senate Bill No. 51 (47 on file) be also added.

Mr. Steele moved to indefinitely postpone the whole subject-matter before the Senate.

Ayes and noes demanded by Messrs. Steele, Yell, and Walrath, and the motion to indefinitely postpone was rejected by the following vote:

AYES—Messrs. Caminetti, Conklin, Crandall, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Steele, and Walrath—11.

NOES—Messrs. Abbott, Boggs, Briceland, Byrnes, Chandler, Clunie, Crimmins, Dixon, Gesford, Goucher, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, White, Wilson, and Yell—26.

Mr. Caminetti called for a division.

Mr. Clunie moved to take up Senate Bill No. 67.

Mr. Caminetti moved, as a substitute, that the Senate proceed with the consideration of the regular order of business.

Mr. Byrnes moved that the Senate take a recess until seven o'clock and thirty minutes P. M.

Ayes and noes demanded by Messrs. Clunie, Steele, and Yell, and the motion was lost by the following vote:

AYES—Messrs. Briceland, Byrnes, Caminetti, Conklin, Crimmins, Dixon, Dray, Hinshaw, Jones, Langford, Roth, Sargent, Steele, and Walrath—14.

NOES—Messrs. Abbott, Boggs, Chandler, Clunie, Crandall, Gesford, Goucher, Hall, Haynes, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Spellacy, Sullivan, Vrooman, White, and Yell—22.

Mr. Clunie renewed his motion to take up Senate Bill No. 67.

Mr. Caminetti moved, as an amendment, that the Senate proceed with the regular order of business.

Ayes and noes demanded by Messrs. Clunie, White, and Caminetti, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Conklin, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Patterson, Roth, Sargent, Steele, and Walrath—18.

NOES—Messrs. Byrnes, Chandler, Clunie, Crimmins, Gesford, Goucher, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Spellacy, Sullivan, Vrooman, White, and Yell—17.

## GENERAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 274—An Act making appropriations for the erection of buildings and for other improvements at the State Prison at San Quentin.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Patterson, Pinder, Roth, Sargent, Spellacy, Sullivan, Walrath, and White—27.

NOES—Messrs. Byrnes, Clunie, Gesford, McCarthy, Murphy, Steele, and Vrooman—7.

Title read and approved.

Whereupon, at five o'clock and twenty-five minutes P. M., on motion of Mr. Goucher, the Senate took a recess until seven o'clock and thirty minutes P. M.

#### REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Patterson, Pinder, Rose, Sargent, Steele, Sullivan, Vrooman, Walrath, and White.

Quorum present.

#### NOTICE TO LIMIT TIME OF DEBATE.

By Mr. Abbott, as follows:

I hereby give notice that I will, on to-morrow, introduce a resolution that no Senator shall speak longer than five minutes upon any motion, resolution, or bill, unless by consent of two thirds of the Senators present.

#### MOTION TO SUSPEND THE RULES.

Mr. Clunie moved to suspend the rules, and take up, out of order, for first reading, Senate Bill No. 69 (34 on the file).

Mr. Jones moved, as a substitute, the following resolution:

*Resolved*, That the rules be suspended, that the roll be called, and each member, as his name is called, name one bill, which shall be read for the first time.

Mr. Clunie being repeatedly interrupted in the course of his remarks upon the question before the Senate, Mr. Vrooman raised the point of order that Senators had no right to interrupt Mr. Clunie in his argument.

The Chair ruled the point of order well taken.

Mr. Clunie proceeded with his argument.

Mr. Murphy raised the point of order, that the bill was being discussed before a first reading, which was out of order.

The Chair ruled the point of order not well taken.

Mr. Murphy appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Murphy, Pinder, and Yell.

Mr. Jones moved a call of the Senate.

Ayes and noes demanded by Messrs. Jones, Yell, and White.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Mr. Yell moved that further proceedings under the call be dispensed with.

So ordered.

Whereupon, Mr. Murphy withdrew his appeal.

Mr. Clunie proceeded with his remarks, and having concluded the same, Mr. Goucher moved the previous question.

So ordered.

The question being upon the adoption of the resolution offered by Mr. Jones.

The ayes and noes were demanded by Messrs. Jones, White, and Abbott, and the resolution was adopted by the following vote:

AYES—Messrs. Abbott, Briceland, Caminetti, Chandler, Crandall, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, and Walrath—25.

NOES—Messrs. Boggs, Clunie, Dixon, Gesford, McCarthy, Sargent, Vrooman, White, and Yell—9.

Mr. Clunie moved a call of the Senate.

Lost.

Mr. Vrooman moved to adjourn.

Ayes and noes demanded by Messrs. White, Vrooman, and Clunie, and the motion to adjourn was lost by the following vote:

AYES—Messrs. Boggs, Clunie, Gesford, Vrooman, Wilson, and Yell—6.

NOES—Messrs. Abbott, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, and White—30.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

### ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bills Nos. 224 and 282—have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 409—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-one, seven hundred and seventy-two, seven hundred and seventy-three, seven hundred and seventy-seven, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, and seven hundred and ninety of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.



Mr. Gesford moved that the Senate do not adjourn until every Senator's name shall have been called.

So ordered.

The calling of the roll was then proceeded with, and as each Senator's name was called, he named a bill of his choice to be called up out of order, for first reading, as follows:

Mr. Abbott named Assembly Bill No. 69—An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State—No. 175 on the file.

Mr. Boggs named Senate Bill No. 262—An Act to amend section one hundred and sixty-three of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation and salaries of county and township officers in counties of the sixteenth class—No. 128 on the file.

Mr. Bowers named Assembly Bill No. 78.

Mr. Briceland named Senate Bill No. 113—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages—No. 58 on the file.

Mr. Byrnes named Senate Bill No. 304—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant—No. 152 on the file.

Mr. Caminetti named Senate Bill No. 51—An Act to provide for the impounding of mining debris—No. 47 on the file.

Mr. Chandler named Senate Bill No. 223—An Act entitled an Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by amending section one thousand two hundred and eighteen thereof, relating to and concerning contempt of Court, and punishment thereof—No. 48 on the file.

Mr. Clunie named Senate Bill No. 67—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers and gripmen, and to amend section three thousand two hundred and forty-four of said Code—No. 151 on the file.

Mr. Conklin named Senate Bill No. 193—An Act to amend section two hundred and sixty-one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the crime of rape—No. 108 on the file.

Mr. Crandall named Senate Bill No. 410—Not on the file.

Mr. Crimmins named Senate Bill No. 329—An Act to amend section six of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and to create a new district, to be numbered fifteen—No. 161 on the file.

Mr. Dixon named Assembly Bill No. 135—An Act for the remuneration of Elisha O. Crosby, for money advanced to and for the State of California—No. 265 on the file.

Mr. Dray named Senate Bill No. 91—An Act to amend sections one, five, six, seven, eight, ten, and eleven of an Act entitled "An Act to

provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872—No. 236 on the file.

Mr. Gesford named Senate Bill No. 217—An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide for its organization, and for maintaining the same—No. 248 on the file.

Mr. Goucher named Senate Bill No. 386—An Act to provide for compensating certain parties for improvements within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to appropriate money therefor—No. 177 on the file.

Mr. Hall named Senate Bill No. 345—An Act to amend section twenty-five of an Act to establish a uniform system of county and township governments, approved March 14, 1883—No. 273 on the file.

Mr. Haynes named Senate Bill No. 327—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay—No. 327 on the file.

Mr. Hinshaw named Senate Bill No. 212—An Act to amend an Act entitled an Act to establish a uniform system of county governments, approved March 14, 1883—No. 70 on the file.

Mr. Jones named Senate Bill No. 330—An Act to ascertain the loss and damage suffered and sustained by the Coulterville and Yosemite Turnpike Company, a corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company—No. 169 on the file.

Mr. Langford named Senate Bill No. 144—An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes—No. 96 on the file.

Mr. Lenahan named Senate Bill No. 109—An Act entitled "An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization"—No. 247 on the file.

Mr. McCarthy named Senate Bill No. 37—An Act making an appropriation for the relief of certain employés and other creditors of the State—No. 51 on the file.

Mr. McCudden named Senate Bill No. 385—An Act to amend sections two and eleven of an Act entitled "An Act to amend sections three, four, nine, and eleven of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,'" approved April 15, 1880, so as to create an additional district—No. 154 on the file.

Mr. McDonald named Senate Bill No. 211—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State—No. 37 on the file.

Mr. Meany named Senate Bill No. 265—An Act to amend an Act entitled an Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof, approved March 18, 1885, in relation to the salary of officers—No. 164 on the file.

Mr. Moffitt named Assembly Bill No. 208—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—No. 260 on the file.

Mr. Murphy named Senate Bill No. 127—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations—No. 100 on the file.

Mr. Patterson named Senate Bill No. 289—An Act to amend sections one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, and one thousand one hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to uniformity of tickets—No. 289 on the file.

Mr. Pinder named Senate Bill No. 79—An Act for the relief of George Nightingale, Michael Ryan, Joseph Rosa, Bridget Davis, Bernard Ward, Ellen Burdette, John Wrixon, Michael O'Neil, Anna Elizabeth Sneider, Eliza Kelleher, William J. Nightingale, Margaret Coogan, Bridget L. Ryan, Elizabeth Overend, Thomas Dillon, Patrick Garrigan, Bridget F. Houston, Timothy Murphy, James McGeough, Otis Berge, James Hartford, and Ellen J. McArevey—No. 69 on the file.

Mr. Rose named Senate Bill No. 186—An Act to amend sections six, eight, nine, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add four new sections to said Act, to be known as sections thirteen, fourteen, fifteen, and seven, and to repeal section seven of said Act—No. 73 on the file.

Mr. Roth named Senate Bill No. 206—An Act to amend section two of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural districts, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. —"—No. 135 on the file.

Mr. Sargent named Senate Bill No. 282—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883—Not on the file.

Mr. Spellacy named Senate Bill No. 103—An Act to enlarge the State Library by purchase, and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase—No. 30 on the file.

Mr. Steele named Assembly Bill No. 35—An Act for the better protection of settlers on the public lands of the United States within the State of California, and for the protection and encouragement of persons desirous of settling thereon—No. 215 on the file.

Mr. Sullivan named Senate Bill No. 157—An Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and thirty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners—No. 153 on the file.

Mr. Vrooman named Senate Bill No. 292—An Act to amend section three thousand three hundred and sixty of an Act entitled "An



Act to establish a Civil Code," approved March 21, 1872, relating to damages in cases of libel or slander—No. 194 on the file.

Mr. Walrath named Senate Bill No. 239—An Act to amend section one thousand seven hundred and seventy-one of "An Act to establish a Political Code," approved March 12, 1872, in relation to the powers of County Boards of Education—No. 121 on the file.

Mr. White named Senate Bill No. 56—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, of Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents—No. 33 on the file.

Mr. Wilson named Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880—No. 34 on the file.

Mr. Yell named Senate Bill No. 336—An Act for the destruction of wolves and coyotes, and to authorize a bounty to be given by the State to encourage such destruction to any person who shall kill a wolf or coyote—No. 217 on the file.

#### LEAVE OF ABSENCE.

Mr. Conklin, at his request, was granted leave of absence for the remainder of the day's session.

#### MOTION.

Mr. Goucher moved to take up, out of order, Senate Bill No. 145 (45 in the General File), and have the same read first time.

Mr. Clunie moved to amend Mr. Goucher's motion, by taking up Senate Bills Nos. 8, 9, 10, 288, 46, 47, 181, 120, 122, 5, 50, 227, and 374.

Mr. Goucher accepted Mr. Clunie's proposed amendment.

Mr. Dray moved to adjourn.

Lost.

Mr. Dray had the floor, the question being on the adoption of Mr. Goucher's motion as amended.

Mr. Goucher raised the point of order that Mr. Dray was not addressing his remarks to the question before the Senate.

The Chair decided the point not well taken.

Mr. Goucher appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Walrath, Vrooman, and Clunie, and the Chair was overruled by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Crandall, Dixon, Hall, Hinshaw, Langford, Moffitt, Patterson, Rose, and Steele—12.

NOES—Messrs. Abbott, Briceland, Chandler, Clunie, Goucher, Haynes, Jones, Lenahan, McCarthy, Murphy, Pinder, Roth, Sargent, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—19.

The question recurring upon the motion of Mr. Goucher.

The ayes and noes were demanded by Messrs. Clunie, Goucher, and Dray, and the motion prevailed by the following vote:



AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Clunie, Crandall, Dixon, Goucher, Jones, Lenahan, McCarthy, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—24.

NOES—Messrs. Caminetti, Dray, Hall, Haynes, Hinshaw, Langford, Sargent, and Steele—8.

Whereupon, the following bills, to wit:

Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880—No. 450 on the file.

Also, Assembly Bill No. 10—An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two—No. 550 on the file.

Also, Assembly Bill No. 8—An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code in relation to insurance," approved April 1, 1878—No. 530 on the file.

Also, Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing certain corporations to act as executor and in other capacities—No. 54 on the file.

Also, Senate Bill No. 288—An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876—No. 77 on the file.

Also, Assembly Bill No. 46—An Act amending section one thousand one hundred and forty-three of the Code of Civil Procedure of the State of California, as amended March 18, 1885, and section one thousand one hundred and eighty-seven of the Code of Civil Procedure of the State of California, as amended March 30, 1874, relating to liens of mechanics and others—No. 228 on the file.

Also, Assembly Bill No. 47—An Act to amend section one thousand two hundred and forty-one of the Civil Code of the State of California, as amended April 6, 1880, relating to the subjection of homesteads to execution—No. 83 on the file.

Also, Assembly Bill No. 181—An Act to amend section four hundred and eight of the Code of Civil Procedure of the State of California—relating to the issuing of alias summons—No. 82 on the file.

Also, Senate Bill No. 120—An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of said bonds—No. 44 on the file.

Also, Senate Bill No. 122—An Act to add a new section to the Political Code, to be known as section three thousand three hundred and forty-six, relating to the power of Boards of Supervisors of any city and county, or city, or town, having a population of one hundred thousand or more people, in this State, to make annual appropriation for the purpose of keeping in order burial grounds exclusively devoted to the interment of the deceased members of any organized order of exempt firemen therein—No. 103 on the file.

Also, Senate Bill No. 5—An Act to provide for the payment of the claims for the per diem, and legal interest upon the same, of the members and attachés of the Constitutional Convention—No. 270 on the file.

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum—No. 60 on the file.

Also, Senate Bill No. 227—An Act to regulate the practice of pharmacy and the sale of medicines and poisons, to provide for the inspection of drugs and medicines, and to prevent and punish the adulteration of the same—No. 131 on the file.

Also, Senate Bill No. 374—An Act relating to the compensation of Court Reporters in counties of the eighth class.

And were severally read first time.

#### ADJOURNMENT.

Thereupon, at eleven o'clock and forty minutes p. m., on motion of Mr. Jones, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER, )  
Thursday, February 24, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, Rose, Roth, Sargent, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read and approved.

#### BILL WITHDRAWN.

Mr. Crandall withdrew from the Senate files Senate Bill No. 254.

#### BILLS TRANSFERRED FROM GENERAL FILE TO SPECIAL FILE.

At the request of Mr. Goucher, it was ordered that Bills Nos. 312, 319, 311 and 310 be severally withdrawn from the General File, and placed on the Special File.

## REPORTS OF STANDING COMMITTEES.

## Reports were received as follows:

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 188, 343, 328, 294, 291, 216, and 354.

DIXON, Acting Chairman.

## ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1887.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 2—Relative to the election of Senators of the United States—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Concurrent Resolution No. 7—Relative to Charles M. Blake, late Chaplain of United States Army—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JONES, Chairman.

## ON STATE HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February —, 1887.

MR. PRESIDENT: Your sub-committee on State Hospitals and Asylums, to whom was granted leave of absence to visit the Asylum in Los Angeles, respectfully report that on the twenty-first instant they visited the Catholic Orphan Asylum and the Orphans' Home in that city, and found the management of each of these institutions all that could be expected under the disadvantages of old and dilapidated buildings with which they have to contend. The sanitary conditions, while they are not perfect, are as good as could be expected under the circumstances. In the Catholic Orphan Asylum there are a few mild cases of measles, and in the Orphans' Home there are two cases of whooping-cough. These are under competent medical treatment and are isolated in such manner as to lead to the hope that they will not become generally prevalent among the inmates. Inasmuch as that arrangements have already been made in each case for the erection of new and adequate buildings, and for the further reason that the appropriations already granted have been judiciously and economically expended, we recommend that the appropriations in their aid be continued.

Also, the accompanying resolution:

*Resolved*, That the Controller of State be and is hereby authorized and directed to draw his warrant in favor of J. M. Briceland for mileage account of Senate Committee on Hospitals, for the sum of three hundred and eighty dollars, as per statement herewith: Senators Briceland, Patterson, McCarthy, and clerk of the committee, to Los Angeles and back, nine hundred and fifty miles, ninety-five dollars each—total, three hundred and eighty dollars.

BRICELAND, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Sargent, from the Committee on Fish and Game, submitted a lengthy report, which was considered read, ordered placed in the appendix to the Senate Journal, and five hundred copies to be printed.

## ON FORESTRY, YOSEMITE VALLEY, AND MARIPOSA BIG TREE GROVE.

SENATE CHAMBER, SACRAMENTO, February 23, 1887.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove, to whom was referred Assembly Joint Resolution No. 4—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOGGS, Chairman.

## ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 424—Relating to roads and highways, amending sections two thousand six hundred and eighty-four, two thousand six hundred and eighty-eight, and two thousand six hundred and eighty-nine of the Political Code.

Also, Assembly Bill No. 41—Relating to Roadmasters in the several counties of this State. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

HINSHAW, Chairman.

Mr. Jones presented the following:

February 16, 1887.

*State of California to Senate Committee on State Prison and Prison Buildings, Dr.*

	Miles.	Amount.
Senator A. F. Jones—to mileage from Sacramento to Folsom and return.	48	\$1 80
Senator J. N. E. Wilson—mileage as above	48	4 80
Senator J. M. Briceland—mileage as above	48	4 80
Senator John Lenahan—mileage as above	48	4 80
Senator A. Yell—mileage as above	48	4 80
Senator F. J. Moffitt—mileage as above	48	4 80
Senator J. P. Abbott—mileage as above	48	4 80
Senator B. F. Langford—mileage as above	48	4 80
Senator P. J. Murphy—mileage as above	48	4 80
Geo. Ditzler, Clerk—mileage as above	48	4 80
To three telegrams to Paul Shirley (due Chairman)		1 35
Total		\$49 35

I believe the above to be correct.

A. F. JONES, Chairman.

Referred to Committee on Contingent Expenses and Mileage.

BILL WITHDRAWN.

Mr. Bowers had leave to withdraw from the Senate Files Senate Bill No. 329 (43 on file), and substitute therefor Senate Bill No. 13 (165 on file).

Senate Bill No. 13 was taken up and read first time.

Mr. Conklin asked leave to take up, out of order, Assembly Bill No. 119 (No. 132 on file).

Mr. Lenahan objected.  
Objection sustained.

MOTION.

On motion of Mr. White, it was ordered that the Senate adhere to the consideration of the Senate File to-day and to-morrow, unless the first reading of General File, page eight, is sooner reached.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate amendments to Assembly Bill No. 55—An Act to protect the manufacturing industries of this State.

FRANK D. RYAN, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 404—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred



and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-one, seven hundred and seventy-two, seven hundred and seventy-three, seven hundred and seventy-seven, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, and seven hundred and ninety of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also, Assembly Concurrent Resolution No. 4—Relative to conference of State Librarians.

Also, Assembly Bill No. 180—An Act authorizing County Clerks in this State to take and certify affidavits for United States pension claimants, without the payment of fees or compensation therefor.

Also, Assembly Bill No. 80—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered and known as section six hundred and three, providing for the formation of certain religious corporations.

Also, Senate Bill No. 284—An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

FRANK D. RYAN, Chief Clerk.

#### ASSEMBLY MESSAGES CONSIDERED.

Assembly Bill No. 404, reported from the Assembly, was substituted for Senate Bill No. 409.

Assembly Concurrent Resolution No. 4 adopted.

Assembly Bill No. 180 referred to Committee on Finance.

Assembly Bill No. 80 referred to Committee on Public Morals.

Senate Bill No. 284 referred to Committee on Enrollment.

Mr. Jones, having given notice of a motion to reconsider the vote whereby the Senate, on yesterday, refused to pass Senate Bill No. 4, moved to make the motion to reconsider the special order for one o'clock and thirty minutes this afternoon.

So ordered.

#### BILL INTRODUCED—(OUT OF ORDER).

By unanimous consent, Mr. Caminetti had leave to introduce, out of order, the following bill:

Senate Bill No. 437—An Act to amend section two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to preventing the bringing into the State persons affected with leprosy or insanity, or such other persons as by reason of their condition are liable to become a charge upon the State, and to provide for the deportation of the same.

Read by title, and referred to Committee on Judiciary.

#### RESOLUTION TO AMEND STANDING RULE No. 24.

By Mr. Abbott, as follows:

In pursuance of notice given on yesterday, I move to amend Senate Rule No. 24, to read as follows:

*Senators must Address the President.*

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak longer than five minutes, unless by permission of two thirds of the Senators present. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

Resolution considered.

Mr. Vrooman moved to amend, by striking out the word "ten," and inserting, in lieu thereof, the word "three."

Ayes and noes demanded by Messrs. Vrooman, Caminetti, and Walrath, and the amendment lost by the following vote:

AYES—Messrs. Byrnes, Caminetti, Crandall, Crimmins, Dixon, Langford, Lenahan, McCarthy, McDonald, Pinder, Spellacy, Sullivan, Vrooman, Walrath, and White—15.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Clunie, Conklin, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCudden, Murphy, Patterson, Rose, Roth, Sargent, Steele, and Wilson—22.

Mr. Caminetti moved to amend, by striking out the word "ten," and in lieu thereof insert the word "five."

Ayes and noes demanded by Messrs. Caminetti, Vrooman, and Abbott, and the amendment prevailed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Clunie, Crandall, Crimmins, Dixon, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Pinder, Rose, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—24.

NOES—Messrs. Abbott, Boggs, Chandler, Conklin, Dray, Gesford, Goucher, Hall, Haynes, Murphy, Patterson, Roth, and Steele—13.

The resolution of Mr. Abbott, so amended, was adopted.

#### SPECIAL FILE—THIRD READING.

Senate Constitutional Amendment No. 3—Proposing an amendment to section two, of Article IV, of the Constitution of the State of California.

The question being on the adoption of the amendments proposed by Mr. Caminetti, as follows:

Senate Concurrent Resolution No. 3—Amendment proposed by Mr. Caminetti, as follows: amend, by striking out the word "ninety," where it occurs on line four, printed resolution, and insert, in lieu thereof, "sixty;" also, amend, by striking out the word "sixty," where it occurs on line five, printed resolution, and insert, in lieu thereof, "forty."

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Crimmins, Dray, Gesford, Hinshaw, Jones, McCudden, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson—22.

NOES—Messrs. Bowers, Clunie, Conklin, Crandall, Dixon, Goucher, Hall, Haynes, Langford, McDonald, Pinder, Spellacy, Sullivan, and Yell—14.

#### RECESS.

Pending further consideration, the hour of twelve o'clock M. having arrived, the President declared a recess until one o'clock and thirty minutes this P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy,

McCudden, McDonald, Murphy, Patterson, Pinder, Rose, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Quorum present.

# REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 425—An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant commanding Company "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McCUDDEN, Acting Chairman.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 339—Entitled "An Act establishing a Court for the investigation of claims against the State of California, defining its jurisdiction, regulating its procedure, and appropriating money therefor"—beg leave to withdraw the report, without recommendation, as presented to the Senate yesterday, and substitute therefor a report, with recommendation that it do pass.

WHITE, Acting Chairman.

Mr. Clunie called the attention of the Senate to a mistake in the Journals of yesterday, in that it does not appear that Senate Bill No. 69 was, on motion of himself, taken up out of order, and read first time.

Mr. Clunie moved that the order of approval of the Journal, made this morning, be revoked, and that the Journal of yesterday be corrected, so as to show that Senate Bill No. 69 was, on motion of Mr. Clunie, taken up, out of order, and read first time.

So ordered.

The Journal of yesterday, so amended, was then ordered reapproved.

## SPECIAL ORDER.

Mr. Jones' motion for the reconsideration of the vote whereby the Senate, on yesterday, refused to pass Senate Bill No. 4, coming on in regular order.

Mr. Jones moved a call of the Senate.

So ordered.

## LEAVE OF ABSENCE.

At the request of Mr. Goucher, Mr. Meany was granted one day's leave of absence on account of sickness.

A call of the Senate having been ordered, the roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceand, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Mr. Clunie moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

## LEAVE OF ABSENCE.

At his request, Mr. Patterson was granted leave of absence for the remainder of the afternoon.

## REPORT—(OUT OF ORDER).

## BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred a substitute for Senate Bill No. 39—have had the same under consideration, and respectfully report back a substitute for the same, and recommend that it do pass.

GESFORD, Chairman.

Mr. Gesford moved that the substitute for Senate Bill No. 39, above reported, be printed, and placed on Special File.

So ordered.

The question before the Senate being Mr. Jones' motion of reconsideration, as aforesaid, and the ayes and noes being demanded by Messrs. Jones, Briceland and Wilson.

The roll was called, and the motion to reconsider prevailed by the following vote:

AYES—Messrs. Boggs, Byrnes, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Sargent, Spellacy, Sullivan, Vrooman, White, Wilson, and Yell—20.

NOES—Messrs. Abbott, Bowers, Briceland, Chandler, Clunie, Conklin, Crandall, Dixon, Hall, Langford, Patterson, Rose, Roth, Steele, and Walrath—15.

It was then ordered that the bill be passed on file.

Senate Constitutional Amendment, under consideration when the Senate took a recess. The question being upon the adoption of the resolution recommending an amendment to the Constitution, the roll was called, and the resolution refused a passage by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Conklin, Lenahan, Rose, Steele, Vrooman, White, and Wilson—12.

NOES—Messrs. Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, and Yell—21.

## SPECIAL FILE—THIRD READING.

Senate Bill No. 354—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Murphy, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Yell—29.

NOES—None.

Title read and approved.

Assembly Bill No. 339—An Act to appropriate the sum of ten thousand dollars for the construction of an additional cottage at the Veterans' Home, under the auspices of the Veterans' Home Association, and for the completion of the principal building already in use, and to improve the water supply of said Home.



Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Murphy, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.  
 NOES—None.

Title read and approved.

Assembly Bill No. 172—An Act to amend "An Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association," approved March 7, 1883.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Murphy, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.  
 NOES—None.

Title read and approved.

Senate Bill No. 216—An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established: for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof.

Mr. Clunie moved a committal of the bill to a select committee, consisting of himself, with special instructions to strike out the word "approved," in line nine, of section three, and insert the word "appointed," and in line one, of section nine, after the word "person," insert the words "being the founder."

So ordered.

Mr. Clunie immediately reported the bill back, as follows:

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 216, with special instructions to amend the bill, by striking out the word "approved," in line nine, of section three, and insert the word "appointed" in lieu thereof, and in line one, of section nine, by inserting, after the word "person," the words "being the founder," begs leave to report that he has amended the bill in accordance with the special instructions.

CLUNIE, Committee.

Report adopted, and the bill ordered reëngrossed.

The hour for the consideration of the special order, Senate Bill No. 36—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled "An Act to define, regulate, and govern State Prisons of California," having arrived, Mr. McCarthy moved that said Senate Bill No. 36 be continued as the special order for to-morrow, at two o'clock and thirty minutes P. M.

So ordered.

Senate Bill No. 291—An Act to prevent fraud and imposition in

the matter of stamping and labeling products and manufactured goods.

Read third time, and passed by the following vote:

**AYES**—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Gestford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, White, Wilson, and Yell—31.

**NOES**—None.

Title read and approved.

Senate Bill No. 294—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to corporations.

Read third time, and passed by the following vote:

**AYES**—Messrs. Abbott, Bowers, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Yell—29.

**NOES**—None.

Title read and approved.

Senate Bill No. 328—An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse, to be used for the storage of the same, and appropriating money to pay the expense of erecting said warehouse.

Read third time, and passed by the following vote:

**AYES**—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crummins, Dixon, Dray, Gestford, Goucher, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

**NOES**—Mr. Pinder—1.

Title read and approved.

Senate Bill No. 343—An Act to add two new sections to the Political Code, to be known and numbered as sections three thousand two hundred and three thousand two hundred and one, relating to trademarks, the use and adoption of the same, and the person who, and the manner by which said trademark and the rights thereunder, may be protected.

Read third time, and passed by the following vote:

**AYES**—Messrs. Abbott, Bowers, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crummins, Dixon, Dray, Gestford, Goucher, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

**NOES**—None.

Title read and approved.

Assembly Bill No. 62—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal incorporations," approved March 13, 1883.

Read third time, and passed by the following vote:

**AYES**—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Gestford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.

**NOES**—None.

Mr. Goucher moved the following amendment to the title of Assembly Bill No. 62, viz.: add to title, after the words "eighty-three," the following: "relating to the formation of such corporations, and the pleading and proof of the organization thereof required in any civil or criminal action, and the number of votes required at elections held to determine the question of incurring municipal indebtedness."

So ordered.

Title, so amended, read and approved.

Senate Bill No. 188—An Act to amend an Act entitled "An Act to grant Boards of Health, or Health Officers, in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers," approved March 3, 1885, by amending sections one and two thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Byrnes, Caminetti, Chandler, Clinic, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.

NOES—None.

Title read and approved.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law, from December 1, 1885, until June 30, 1887.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 271 temporarily passed on file.

Senate Bill No. 431 temporarily passed on file.

Senate Bill No. 430—An Act to provide for the completion of all unfinished county buildings in the several counties, cities and counties, cities, and towns, throughout the State of California.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 342 passed on file.

#### MOTION.

Mr. Wilson moved that Senate Bill No. 145 be placed on the Special File and read a second time.

So ordered.

Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880.

Read second time, and, pending consideration of committee amendment, the bill was passed on file.

#### SPECIAL FILE—FIRST READING.

Senate Bill No. 194—An Act making appropriation for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Read first time.

Senate Constitutional Amendment No. 1—An Act to amend section one, of Article XIII, of the Constitution of the State of California.

Mr. Vrooman moved to amend, as follows: strike out, on page two, in lines eight and nine, printed copy, the words "and all personal property exempt by law from execution under the laws of this State," and insert, in lieu thereof, the following: "and such personal property not exceeding in value three hundred dollars as is exempt by law from execution."

Adopted.

Senate Constitutional Amendment No. 2—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

Passed on file.

## REPORTS OF STANDING COMMITTEES.

### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 258—Entitled an Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year.

Also, Assembly Bill No. 256—Entitled an Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-sixth fiscal year.

Also, Assembly Bill No. 395—Entitled an Act to provide for the deficiency in the appropriation for salaries of the Commissioners of the Supreme Court, and their Secretary, for the thirty-eighth fiscal year.

Also, Assembly Bill No. 259—Entitled an Act to provide for the payment of the rent of the chambers occupied by the Supreme Court Commissioners.

Also, Assembly Bill No. 262—Entitled an Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.

Also, Senate Bill No. 422—Entitled an Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year.

Also, Senate Bill No. 421—Entitled an Act to appropriate the sum of eighteen hundred and thirty-seven dollars and thirty-seven cents, for deficiencies for the support of the State Board of Forestry, for the thirty-eighth fiscal year.

Also, Senate Bill No. 415—Entitled an Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-eighth fiscal year.

Also, Senate Bill No. 414—Entitled an Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-seventh fiscal year.

Also, Senate Bill No. 406—Entitled an Act making an appropriation for a deficiency in the appropriation for the salary of the Phonographic Reporter of the Supreme Court, for the thirty-eighth fiscal year.

Also, Senate Bill No. 358—Entitled an Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-sixth fiscal year.

Also, Senate Bill No. 61—Entitled an Act making an appropriation for the deficiency in the appropriation for rent and contingent expenses of Insurance Commissioner, for the thirty-seventh fiscal year.

Also, Senate Bill No. 198—Entitled an Act to provide for the deficiency in the appropriation for payment of rewards for the arrest and conviction of highway robbers, during the thirty-sixth fiscal year, offered by the Governor.

Also, Senate Bill No. 346—Entitled an Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.

Also, Senate Bill No. 357—Entitled an Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.



## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 423—Entitled an Act to amend section one thousand two hundred and fifty-seven of the Political Code of the State of California, relating to the counting of ballots at elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

Senate Constitutional Amendment No. 4—To propose an amendment to Section 8, of Article XI, of the Constitution of the State of California, relating to the framing of a charter for cities of more than one hundred thousand inhabitants, and for cities of over ten thousand and less than one hundred thousand inhabitants.

Passed on file.

## GENERAL FILE—THIRD READING.

Senate Bill No. 4—An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Caminetti, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Rose, Sargent, Spellacy, Steele, Vrooman, White, Wilson, and Yell—24.

NOES—Messrs. Abbott, Bowers, Brice land, Clunie, Hall, Hinshaw, Langford, Murphy, and Roth—9.

Title read and approved.

Senate Bill No. 70—An Act to establish an asylum for insane criminals of the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Brice land, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, and Wilson—32.

NOES—Messrs. Clunie, Crandall, Murphy, White, and Yell—5.

Title read and approved.

Messrs. Steele and Conklin, having voted for Senate Bill No. 4, under a misapprehension, were, at their request, rerecorded as having voted against said bill on its final passage.

Mr. Vrooman had leave to introduce, out of order, the following, as an amendment to title of Senate Constitutional Amendment No. 1:

## SENATE CONSTITUTIONAL AMENDMENT NUMBER ONE.

A Resolution proposing an amendment to section one, of Article XIII, of the Constitution of California, relating to exemption from taxation of personal property, not exceeding in value three hundred dollars, and exempt by law from execution.

*Resolved, That the Legislature of the State of California, at its regular session commencing on the third day of January, A. D. 1887, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that section one, of article thirteen, of the Constitution of said State, be amended so as to read as follows.*

Adopted.

BILL WITHDRAWN.

Mr. Caminetti had leave to withdraw Senate Bill No. 134, and to substitute therefor Senate Bill No. 239 (69 on file).

## GENERAL FILE—SECOND READING.

Senate Bill No. 239—An Act to amend section one thousand seven hundred and seventy-one of "An Act to establish a Political Code," approved March 12, 1872, in relation to the powers of County Boards of Education.

Committee amendment considered as follows: amend section one, line fourteen, printed copy, by changing "two," to "three."

Adopted.

So amended, the bill was ordered engrossed, and to third reading.

Senate Bill No. 341—An Act to amend section four hundred and eighty-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Read second time.

Substitute reported by the committee, adopted, ordered engrossed, and to a third reading.

Senate Bill No. 34—An Act to provide for the better protection and security of life and property in the use of steam boilers.

Read second time, and amendments considered as follows:

By Mr. McCarthy: amend section one, by inserting, after the word "engineer," on line nine, of printed bill, the words "or boiler makers."

Adopted.

By Mr. Gesford: amend, by adding to section three the following: "No Inspector shall be interested in the manufacture or sale of any boilers or other apparatus named in this Act."

Adopted.

By Mr. McCarthy: amend section four, by striking out the words "owner or," after the word "the," on line one, printed bill, and inserting, after the word "owners," the words "or users."

Adopted.

Further, amend section four, by striking out the words "or boilers in use in this State," at line two, and inserting, in lieu thereof, the words "in every city and town in the State, and in every county of the State where there are two or more stationary boilers in one battery in use."

Adopted.

By Mr. Crandall: amend section four, by inserting, "and all boilers used on or about farms and threshing machines," after the word "railroad," in line twenty-one, section four, printed copy.

Lost.

By Mr. Wilson: amend, by adding to section six the following: "It is herewith provided that any owner, renter, or user of a steam boiler or boilers, holding the certificate of inspection, unrevoked and in full force, in any company organized for the exclusive purpose of making guaranteed steam boiler inspections, which has filed a statement of its financial condition, and paid license fees and taxes as required by the insurance laws of this State, shall be exempt from any further inspection, and from the fines and penalties recited in this Act."

Lost.

By Mr. Gesford: amend, by striking out of section seven all after the word "State," on line sixteen, printed bill.

Adopted.

By Mr. Clunie: amend section eight, by striking out the words "known engineers," on line nine, of printed bill, and inserting, in lieu thereof, the words "reputable citizens."

Adopted.

By Mr. McCarthy: amend section fifteen, by inserting, after the word "boilermakers," on line six, of printed bill, the words "Union of San Francisco."

So amended, the bill was ordered engrossed, and to a third reading.

#### RECESS.

At five o'clock and ten minutes P. M., on motion of Mr. Clunie, the Senate took a recess until seven o'clock and thirty minutes P. M.

#### EVENING SESSION.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, McCarthy, McCudden, Patterson, Roth, Sargent, Steele, Walrath, and White.

Quorum present.

#### CONSIDERATION OF GENERAL FILE—SECOND READING—(RESUMED).

Senate Bill No. 78—An Act to amend section one hundred and seventy of the Code of Civil Procedure, relating to disqualifications of Judges.

Mr. Gesford moved the following amendment: add a new subdivision to section one hundred and seventy, as follows:

4. Whenever a party to a civil action verily believes that the Judge of a Superior Court, in which the action is pending, will not give him a fair and impartial trial, and shall file with the Clerk of such Court an affidavit to that effect, and alleging as a reason therefor that he believes the said Judge or Justice is biased or prejudiced against him, or is unduly influenced by the affiant's adversary, or by his adversary's counsel or attorney, and such affidavit be accompanied by the affidavit of at least one attorney, entitled to practice in said Court, to the effect that he believes there is reasonable cause for making said affidavit. When from any cause a Judge or Justice becomes disqualified to try any civil action, it shall be the right of either party to have said action transferred to another Court for trial, as provided in sections three hundred and ninety-seven, three hundred and ninety-eight, three hundred and ninety-nine, and four hundred of this Code, unless the parties agree upon a Judge pro tempore to try said action, as provided in section seventy-two of this Code, or unless the parties agree upon another Judge who may be called from the same or another county to try the case, as provided for in section seventy-one of this Code.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Gesford, Vrooman, and Goucher, and the amendment was lost by the following vote:

AYES—MESSRS. Gesford, Goucher, Jones, Lenahan, McCarthy, McDonald, Moffitt, Murphy, and Spellacy—9.

NOES—MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Haynes, Hinshaw, McCudden, Patterson, Roth, Sargent, Steele, Vrooman, Walrath, and White—22.

Mr. White offered the following amendment: strike out of section one, line six, the words "or the attorney of either party," and add, in

line seven, after the word "degree," the words "or to the attorney of either party within the first degree."

Adopted.

Senate Bill No. 78, so amended, was ordered engrossed, and to a third reading.

Senate Bill No. 222—An Act to confine the power to impose license taxes in incorporated cities and towns, other than consolidated cities and counties, to the corporate authorities of such cities and towns.

Read second time, ordered engrossed, and to a third reading.

Assembly Bill No. 12—An Act to provide for the organization and government of irrigation districts, and to provide for the organization and distribution of waters thereby for irrigation purposes.

Read second time.

Mr. Abbott moved to amend section two, by inserting, after the word "district," in line twenty-one, the words, "*provided*, that any person whose lands are susceptible of irrigation from the same source shall, upon application of the owner to said Board, be entitled to have such lands included in said district."

Adopted.

Mr. Steele amends section four as follows: by striking out of section four, line three, the words "an Assessor, a Collector, and a Treasurer and;" and also strike out the following in lines seven to ten inclusive: "The Assessor shall execute an official bond in the sum of twenty thousand dollars, and the District Treasurer an official bond in the sum of fifty thousand dollars."

Lost.

Mr. Abbott moved to amend section twelve, by adding thereto the following: "The use of all water required for the irrigation of the lands of any district formed under the provisions of this Act, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this Act, is hereby declared to be a public use, subject to the regulation and control of the State in the manner prescribed by law."

Adopted.

Also, amend section fifteen, by inserting, after the word "years," wherever said word occurs in lines twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six, the words, "not less than;" also, amend said section, by inserting, after the word "denomination," in line thirty, the words "not less than one hundred dollars nor more than."

Adopted.

Also, amend, by inserting, after the word "bonds," on line four, the words "not due."

Adopted.

Also, amend section thirty-seven, engrossed copy, by inserting after the word "expenses," in line seven, the words "of the organization of the district and."

Adopted.

Mr. Steele moved to amend, by striking out of section thirty-eight, on lines sixteen and seventeen inclusive, after the word "district," "or which may be capable of being conducted to advantage by any means to and into said district for said purposes."

Adopted.

Mr. Abbott moved to amend section forty-five: after the first word in line four, insert, "in connection with any mining industry."



Adopted.

Mr. Steele moved to amend, by striking out of section forty-five all after the word "act," in second line.

Lost.

Mr. Abbott moved to amend, by adding at the end of section forty-six, the following, to wit: "Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch, from its channel, to the detriment of any person having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor under the laws of this State, authorizing the taking of private property for public uses."

Adopted.

Also, amend title, by striking out the word "and," after the word "acquisition," and inserting, in lieu thereof, the words "of water and other property and for the."

Adopted.

Assembly Bill No. 12, so amended, was read second time, and ordered to a third reading.

Mr. Clunie moved to take up Senate Bill No. 216, have the same read a third time, and placed on its final passage; said bill being reported back engrossed.

So ordered.

Senate Bill No. 216 read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, and White—31.

NOES—None.

Title read and approved.

Senate Bill No. 173—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand one hundred and twenty-nine, relating to the sale of mortgaged premises by a Commissioner.

Read second time, ordered engrossed, and to a third reading.

#### REPORT OF STANDING COMMITTEE.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 284—Entitled an Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

ROTH, Chairman.

Senate Bill No. 121—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury.

Read second time, committee amendment as follows: strike out the words "failure to demand," on line one, of section four, page one, and insert "a failure to file with the clerk, and serve upon the adverse party, a written demand for."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Assembly Bill No. 49—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to chattel mortgages.

Read a second time, and ordered to a third reading.

Senate Bill No. 25—An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial.

#### COMMITTEE AMENDMENTS.

Strike out, "section four," page three; afterwards killed by substitute.

Adopted.

Also, strike out figure "5," in section five, and insert figure "4;" killed by substitute.

Adopted.

Mr. Caminetti moved to amend, in section three, line four, by striking out the word "must," and insert, in lieu thereof, the word "may," wherever it occurs in said line.

Adopted.

Mr. Sargent moved to amend, by substituting the following for section four:

SEC. 4. The provisions of this Act shall not apply to criminal actions pending at the date of the passage of this Act.

Adopted.

Also, by adding a new section, to be numbered section five, to read as follows:

SEC. 5. This Act shall take effect from and after the date of its passage.

Adopted.

So amended, Senate Bill No. 25 was ordered engrossed, and to a third reading.

#### WITHDRAWAL OF A BILL.

Mr. Clunie asked and obtained leave to withdraw Senate Bill No. 57 (90 on the file) and substitute therefor Senate Bill No. 245 (179 on the file).

Mr. Goucher called attention to the fact that dodgers were being distributed by the Pages, and moved that the President be requested to instruct the Sergeant-at-Arms to prevent the distribution of such matter upon the desks of the Senators in the future.

Assembly Bill No. 69—An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State.

Read second time, and ordered to a third reading.

Senate Bill No. 262—An Act to amend section one hundred and sixty-three of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation and salaries of county and township officers in counties of the sixteenth class.

Read second time, and committee amendment, to strike out "sixty-three," and insert "seventy-eight," making it read "one hundred and seventy-eight," adopted.

Also, amend, by striking out the figures "163," after the word section, and insert, in lieu thereof, the figures "178."

Adopted.

So amended, Senate Bill No. 262 was ordered engrossed and to a third reading.

Senate Bill No. 113—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 304—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Read second time.

Committee amendment: strike out of lines two and three the words "from and after its passage," and insert, in lieu thereof, the words "on and after the first day of July, A. D. 1887."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Assembly Bill No. 22, and Substitute for Assembly Bill No. 179—have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

##### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 411—Relating to the protection of public roads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINSHAW, Chairman.

##### ON STATE PRISON AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings, to whom was referred Senate Bill No. 378—An Act to establish a Home of Industry and Refuge for ex-convicts, and provide for the maintenance of the same—have had the same under consideration, and respectfully report the same back, without recommendation.

JONES, Chairman.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Jones: Senate Bill No. 438—An Act to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, and the Act amendatory thereof, approved April 6, 1880, in relation to homesteads, by amending section one thousand two hundred and forty-one of said Civil Code.

Referred to Committee on Judiciary.

## MOTIONS.

Mr. Dray moved to adjourn.

Mr. Caminetti moved to amend, by continuing in session until after Senate Bill No. 193 (41 on the file) be reached.

Mr. Clunie moved, as a substitute, to continue in session until after Senate Bill No. 67 (40 on the file) be reached, and that the Senate then adjourn.

Mr. Moffitt raised the point of order that a motion to adjourn without qualification is not amendable.

The Chair decided the point of order well taken.

The question recurring upon the motion of Mr. Dray, to adjourn.

The ayes and noes were demanded by Messrs. Dray, Caminetti, and Goucher, and the motion was rejected by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Pinder, Roth, Sargent, Spellacy, Steele, and Sullivan—13.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Crimmins, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Moffitt, Patterson, Vrooman, Walrath, and White—18.

Mr. Dray moved to take up, out of order, Senate Bill No. —.

Mr. Clunie moved, as an amendment, to take up Senate Bill No. 67.

The Chair directed the Secretary to proceed with the regular order of business, and read Senate Bill No. 51, next in order on the file.

Mr. Dray, excepting to the action of the Chair in directing that the Senate proceed with the regular order of business, raised the point of order that his and Mr. Clunie's motions to take up bills for consideration were in order.

The Chair decided the point of order not well taken.

Mr. Dray appealed from the decision of the Chair.

Mr. Caminetti moved to lay the appeal on the table.

Ayes and noes demanded on Mr. Caminetti's motion, by Messrs. Dray, Caminetti, and Bowers, and the motion to lay the appeal on the table prevailed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Haynes, Jones, Lenahan, McCarthy, McDonald, Moffitt, Patterson, Sullivan, Vrooman, Walrath, and White—19.

NOES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hinshaw, Pinder, Roth, Sargent, Spellacy, and Steele—13.

## ADJOURNMENT.

Thereupon, on motion of Mr. Dray, at eleven o'clock P. M. the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
Friday, February 25, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:



Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by Rev. A. J. Frost.

Reading of the Journal of yesterday dispensed with, and the approval of the Journal held over until one o'clock and thirty minutes this afternoon.

#### REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Inaugural of Governor Bartlett, acting in conjunction with the committee of the Assembly, hereby report that the following bills for expenses at the inauguration have been presented to your committee:

M. T. Dooling and Robert Shaw, traveling from San Benito County to Sacramento with official vote.....	\$50 00
J. F. Johnson, traveling from San Mateo County, as above.....	20 00
Telegrams for returns, sent by the committee.....	6 50
Company "B," First Artillery Regiment, N. G. C., ammunition and team in firing salute.....	41 00
First Artillery Band, January 6.....	130 00
Third Infantry Band, San Francisco, January 6.....	220 00

And having duly considered the same, respectfully report that the bills of M. T. Dooling and Robert Shaw, for fifty dollars; J. F. Johnson, for twenty dollars; Committee, telegrams, six dollars and fifty cents; and Company "B," First Artillery Regiment, forty-one dollars, are correct, and should be paid; and that the bill of First Artillery Band, which the committee had engaged, but used only in parade, be cut down to the sum of fifty-five dollars; and that the bill of the Third Infantry Band of San Francisco be allowed expenses of transportation, amounting to the sum of one hundred and five dollars.

That your committee have agreed that one half of the above amounts be borne by each House of the Legislature. We therefore recommend that a warrant be drawn on the Contingent Fund of the Senate in favor of the Chairman of the Senate Committee for the sum of one hundred and thirty-eight and fifty one hundredths dollars, to pay the above bills, and return vouchers therefor.

Respectfully submitted.

A. F. JONES,

Chairman Senate Committee on Inauguration.

A. WALRATH,

Chairman Special Committee on Investigation of above Accounts.

On the adoption of the report the roll was called, and the report adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Steele, Vrooman, Walrath, and Wilson—29.

NOES—None.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 24, 1887. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 140—Entitled an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year.

Also, Senate Bill No. 163—Entitled an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-seventh fiscal year.

WASHINGTON BARTLETT, Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 464—An Act to provide for the support of the public schools of the State of California, by a permanent levy and rate of taxation.

Also, Assembly Constitutional Amendment No. 2—Proposed amendment to Article Fourteen (XIV) of the Constitution, relative to irrigation.

Also, Assembly Constitutional Amendment No. 13—Proposed amendment to Article (IV) four, section fifteen, of the Constitution, relative to the Legislative Department.

Also, passed Assembly Constitutional Amendment No. 17—Proposed amendment to Article (V) five of the Constitution, relative to powers, duties, and compensation of Lieutenant-Governor.

FRANK D. RYAN, Chief Clerk.

## ASSEMBLY MESSAGE CONSIDERED.

Assembly Bill No. 464 ordered on Special File.

Assembly Constitutional Amendments Nos. 2 and 13 severally referred to Committee on Constitutional Amendments.

## REPORTS OF STANDING COMMITTEES.

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1887.

MR. PRESIDENT: Your Committee on Education, to whom leave was granted to visit the Branch State Normal School at Los Angeles, beg to submit the following as their report:

On Monday, February twenty-first, the school was visited by your committee, and a thorough examination made into the discipline and management of the institution. The President and Faculty afforded members of the committee every opportunity to acquaint themselves with all the circumstances of importance which surround the school, and which may tend either to aid or retard its progress. In three years the enrollment has increased from one hundred and twenty to more than two hundred and fifty.

We find that the school is entirely a Southern California institution, deriving its patronage from the counties south of San José. The young ladies and gentlemen in this Normal Branch have pledged themselves to devote their attention to the profession of teaching. The President of the school, Ira More, informs your committee that as far as his knowledge extends, these promises are invariably carried out, and that the graduates from this Normal readily find places to teach in the southern counties, and give good satisfaction. From the pupils we heard no word of complaint against any member of the Faculty, but on the contrary, many expressions of esteem and commendation.

The Normal School building is a substantial brick structure, well adapted to the purposes for which it was designed, and at present affords ample accommodations for all who attend. A select library of twelve hundred volumes, and a small museum are features of the school, which deserve both public and private aid. As the school is a distinctive school, exclusive by natural location, and in no way dependent on the parent school at San José, your committee would recommend that it be made an independent institution, under a separate Board of Trustees. As at present organized, it is, in fact, under the management of the resident Trustee, upon whom all the responsibility rests, as the great distance intervening precludes frequent exchange of opinion, even on the most important subjects affecting school interests. The report of the President shows a judicious use of the moneys heretofore appropriated for maintaining the Branch Normal; but the appropriation for improving the grounds has fallen far short of what is necessary to accomplish the work designed. Your committee recommends the Los Angeles Branch Normal School as a popular, progressive, and deserving State institution.

Also:

## MAJORITY REPORT.

A majority of your Committee on Education, to whom was referred Senate Bill No. 426—Relative to the distribution of the State series of school text-books—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

E. C. HINSHAW.  
A. H. HALL.  
J. P. HAYNES.  
E. B. CONKLIN.

## MINORITY REPORT.

The minority of your committee have considered the foregoing bill, and respectfully report that it do not pass.

H. C. GESFORD.  
W. W. BOWERS.  
A. CAMINETTI.

Also, Senate Bill No. 349—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

We have also considered Senate Bill No. 285—and report it back, without recommendation.

Your committee to whom was referred Senate Bill No. 286—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GESFORD, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 239, 341, 408, 430, 78, 222, 173, and 121.

DIXON, Acting Chairman.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 438—An Act to amend an Act entitled an Act to establish a Civil Code, approved April 6, 1880, in relation to homesteads, by amending section one thousand two hundred and forty-one of the Civil Code—have had the same under consideration, and respectfully report the same back, without recommendation.

JONES, Acting Chairman.

## SPECIAL FILE—THIRD READING.

Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law, from December 1, 1885, until June 30, 1887.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 430—An Act to provide for the completion of all unfinished county buildings in the several counties, cities and counties, cities and towns, throughout the State of California.

Passed on file.

## SPECIAL FILE—SECOND READING.

Senate Bill No. 271—An Act to encourage and provide for a general vaccination in the State of California.

Passed on file.

Senate Bill No. 431—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Read second time.

Mr. Clunie moved to amend, by striking out, in section one, the word "twenty," and inserting, in lieu thereof, the word "ten."

Adopted.

Mr. Yell moved to amend, by striking out the word "ten," and inserting, in lieu thereof, the word "five."

Lost.

So amended, the bill was ordered engrossed, and to a third reading. Senate Bill No. 342—An Act authorizing the incurring of indebtedness by cities incorporated under the laws of this State.

Mr. Crandall offered a substitute, which was read, and subsequently temporarily withdrawn.

#### MOTION.

Mr. Murphy moved to commit Senate Bill No. 430 to a select committee of one, to consist of Mr. Clunie, with special instructions submitted with the bill.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Briceland was granted leave of absence for the remainder of the morning session.

Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880.

Amendments considered and acted upon, as follows: By the committee: amend, by adding, in section six, line three, after the word "in," the words "city and county of."

Adopted.

By Mr. Hall: strike out section two of the bill.

Lost.

By Mr. Boggs: amend, by striking out of section six, line three, the words "and to employ a Secretary and fix his compensation."

Adopted.

By the committee: amend, by adding, after the word "duty," the words "and who shall act as Secretaries of the Board of Directors."

Adopted.

Also, by adding to section eleven, line forty-eight, after the word "city," the words "and county."

Adopted.

Also, by adding to section seventeen, line six, after the word "Clerks," the words "who shall act as Secretaries of the Board of Directors."

Adopted.

By Mr. Murphy: strike out all of section eight, after the word "proper," in line twenty-five of said section, printed bill.

Upon the adoption of Mr. Murphy's amendment, the ayes and noes were demanded by Messrs. Yell, White, and Boggs, and the amendment was rejected by the following vote:

AYES—Messrs. Bowers, Caminetti, Conklin, Crandall, Gosford, Hall, Haynes, Meany, Murphy, Patterson, Rose, Sargent, Vrooman, War-eth, and White—15.

NOES—Messrs. Boggs, Briceland, Byrnes, Chaudler, Clunie, Crimmins, Dixon, Dray, Goucher, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Pinder, Roth, Spellacy, Steele, Sullivan, Wilson, and Yell—24.

#### NOTICE OF RECONSIDERATION.

Mr. Yell gave notice that he would, on to-morrow, move a reconsideration of the vote just had, whereby the Senate refused to adopt Mr. Murphy's amendment.

Mr. Jones raised the point of order, that the vote whereby said amendment was rejected is not subject to a notice of reconsideration.



The Chair decided the point of order well taken.

# RECESS.

Whereupon, the Senate took the usual daily recess.

# REASSEMBLED.

At the appointed time the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Meany, Murphy, Patterson, Rose, Roth, Sargent, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Journal of yesterday read and approved.

Consideration of amendments to Senate Bill No. 145, pending when the Senate took a recess, resumed:

Amendments by the committee: amend, by adding to section twenty-three, line ninety, after the word "degree," the words "rape, arson, or robbery."

Adopted.

Also, by adding to section twenty-six, line twenty-nine, after the word "the," the word "State."

Adopted.

Also, by adding:

Sec. 10. This Act shall take effect immediately.

Adopted.

By Mr. Vrooman: amend, by inserting, after the word "prisoner," on line twenty-six, page six, printed bill, the following: "under twenty-two years of age."

Ayes and noes demanded by Messrs. Vrooman, Boggs, and White, and the amendment was adopted by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Chandler, Conklin, Crandall, Dixon, Hall, Haynes, Meany, Moffitt, Murphy, Patterson, Rose, Steele, Vrooman, White, Wilson, and Yell 19.

NOES—Messrs. Boggs, Briceland, Clunie, Crimmins, Dray, Gesford, Goucher, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Roth, Sargent, and Spellacy 17.

Mr. Vrooman, also, moved to amend, by inserting, after the word "felony," on line twenty-nine, page six, the following: "or a misdemeanor."

Adopted.

So amended, Senate Bill No. 145 was ordered engrossed, and to a third reading.

# MOTIONS.

On motion of Mr. McCarthy, Senate Bill No. 36, heretofore made the special order for this time, was continued as the special order until two o'clock and thirty minutes P. M. on to-morrow.

On motion of Mr. Crandall, Substitute for Senate Bill No. 342, read and temporarily passed at the forenoon session, was taken up.

Substitute adopted, ordered engrossed, and to a third reading.

#### SPECIAL FILE—SECOND READING—(RESUMED).

Senate Bill No. 194—An Act making an appropriation for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Read second time, ordered engrossed, and to a third reading.

#### REPORT OF SELECT COMMITTEE ON SENATE BILL No. 430.

MR. PRESIDENT: The special committee to whom was recommitted Senate Bill No. 430, with instructions to insert the following amendments:

Amend section one, line two, of printed bill, by inserting, after the first word, "and," the word "cities."

Also, amend section one, line three, of printed bill, after the word "or," by inserting the words "city or county, or town, or townships."

Also, amend section one, line seven, of the printed bill, by inserting, after the word "counties," the word "cities."

Also, amend section one, line thirteen, of printed bill, by inserting, after the word "counties," the words "cities, and towns, and townships."

Also, amend section one, line fifteen, of printed bill, by inserting, after the second word "counties," the words "cities, towns, and townships."

Also, amend section one, line seventeen, of printed bill, by inserting, after the word "counties," the words "cities, towns, and townships."

Also, amend section two, line three, of printed bill, by inserting, after the word "county," the words "or city, or towns, or township."

Also, amend title, by inserting, after the word "county," the words "city, city and county, towns and township."

All adopted—have had the same under consideration, and beg leave to report that they have been inserted, as instructed.

T. J. CLUNIE.

Report adopted.

#### BILL WITHDRAWN.

Mr. McCudden requested leave to withdraw Senate Bill No. 225, which now stands No. 223 on the file, and substitute therefor Senate Bill No. 425, which is now No. 269 on the file.

Request granted.

In behalf of Mr. Crimmins, Mr. Wilson requested that Assembly Bill No. 119 (123 on file) be placed on the Special File for first reading.

So ordered.

#### SPECIAL FILE—FIRST READING.

Senate Constitutional Amendment No. 1—An Act to amend section one, of Article XIII, of the Constitution of the State of California.

Mr. Vrooman moved to amend, as follows: in section one, printed copy, line one, make the word "law" read "laws;" also, in line three, make word "the" read "this;" also, in line four, strike out word "loans," and insert, in lieu thereof, the word "bonds;" also, in line nine, change word "credit" to "credits," and in line ten, change word "credit" to "credits."

Adopted.

So amended, Senate Constitutional Amendment No. 1 was ordered printed and engrossed.

Senate Constitutional Amendment No. 2—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

The following amendments were considered, to wit:

Mr. Yell moved to amend Senate Constitutional Amendment No. 2 title, as follows: "to propose an amendment to sections two, three, and seventeen, of Article VI, of the Constitution of the State of California, relating to the Judicial Department."

Adopted.

Also, strike out, beginning with the words "the Legislature," and down to the word "follows," and insert the following:

*Resolved*, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. 1887, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections two, three, and seventeen of Article VI of the Constitution of said State be amended so as to read as follows.

Adopted.

By Mr. White: amend, on line forty-seven, page three, printed bill, by striking out, after the word "be," the words "subject to removal and be," and insert, after the word "*provided*," on line forty-eight, the following: "and such Commissioners shall be subject to removals in like manner as Judges of the Supreme Court."

Adopted.

By Mr. Bowers: add the words "San Diego and San Bernardino" immediately after the word "Sonoma," in line thirteen, of section seventeen.

Adopted.

By Mr. Yell: add "Colusa and Tehama," after the word "Sonoma," in section seventeen, and strike out the word "and," in line thirteen, between the words "Nevada and Sonoma."

Adopted.

By Mr. Hinshaw: section two, strike out "and Sonoma," in the last line.

Lost.

Also, "that the salary of Superior Judges in Sonoma County be four thousand dollars."

Adopted.

By Mr. Langford: amend, by striking out, in line twelve, the words "San Joaquin," and adding, in line fourteen, the words "San Joaquin, four thousand dollars."

Adopted.

Mr. Gesford moved to amend, so as to fix the salary of Superior Judge of Napa County at three thousand dollars.

Adopted.

So amended, Senate Constitutional Amendment No. 2 ordered printed and to engrossment.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By unanimous consent, Mr. Goucher had leave to introduce two bills, as follows:

By Mr. Goucher: Senate Bill No. 439—An Act to amend section nine hundred and forty-four of an Act entitled "An Act to establish a Code of Civil Procedure," providing how judgments granting perpetual injunctions may be stayed pending an appeal.

Referred to Committee on Judiciary.

Also, Senate Bill No. 440—An Act to amend an Act entitled "An

Act to establish a Code of Civil Procedure," approved March 12, 1872, by adding thereto a new section, to be numbered five hundred and thirty-four, providing for the dissolution of injunctions.

Referred to Committee on Judiciary.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 89—Entitled an Act to appropriate money for the support of the California Home for the Care and Training of Feeble-Minded Children, from the first day of January, 1887, to the first day of July, 1887.

Also, Senate Bill No. 218—Entitled an Act making an appropriation for a deficiency in the appropriation for the salary of the Secretary of the State Engineer, for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Also, Senate Bill No. 347—Entitled an Act to pay the claim of J. W. Rock, for the construction of a steam launch.

Also, Senate Bill No. 356—Entitled an Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 19—Entitled an Act to provide for the opening of new streets, and for the extending, widening, and straightening of existing streets within municipalities—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

### By Mr. Vrooman: Senate Joint Resolution:

WHEREAS, The National Educational Association is composed of the leading educators of the United States, and their presence on this coast in their annual meeting would tend to advance our educational, commercial, and other interests; therefore, be it

*Resolved by the Legislature of the State of California*, That an invitation is hereby extended to said association to hold its annual meeting for eighteen hundred and eighty-eight in California.

*Resolved*, That should some city in this State be selected as the place for holding said meeting, the State Printer is hereby authorized and directed to print the programmes, circulars of importance, and such other matters as may be deemed necessary by the State Board of Education to the success of the proposed meeting, and the educational interests of the State in that connection; *provided*, that the expenses of said printing shall not exceed one thousand dollars.

*Resolved*, That a copy thereof be forwarded to the President of the National Educational Association.

On the adoption of the above joint resolution the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson—34.

NOES—None.

## REPORT OF STANDING COMMITTEE.

### ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February —, 1887.

MR. PRESIDENT: Your Committee on State Hospitals and Asylums offer the following report:

The committee visited the Roman Catholic Female Asylum, St. Joseph's Orphan Asylum, the Ladies' Protective and Relief Society, Hebrew Orphan Asylum, the Protestant Orphan Asylum, all located within the City of San Francisco. As thorough investigation as the time permitted was made of each of the said institutions, and we take great pleas-



ure in commending the excellent management of these worthy institutions, and recommend that the State aid appropriation made heretofore be continued for their support.

We also visited the Stockton Insane Asylum, located at Stockton. Also, the Napa Insane Asylum, located about two miles from the town of Napa.

The Stockton Asylum is under the management of W. H. Mays, M.D., Superintendent; W. R. Langdon, M.D., and W. A. Washington, M.D., Assistant Physicians.

The Napa Insane Asylum is under the management of E. T. Wilkins, M.D., Superintendent; L. F. Dozier, M.D., and F. W. Hatch, M.D., Assistants.

Both of these asylums are admirably managed, and the State, as well as the relatives and friends, have sound reasons for congratulation in the very able and successful methods adopted by the physicians in charge.

Your committee ascertained that the salary of the Superintendent and Assistant Physicians of the Stockton and Napa Asylums were unequal, but that the work and responsibility were the same. Therefore your committee earnestly desire that the salaries of the Superintendents and Assistants be made equal.

BRICELAND, Chairman.

Mr. Murphy presented several reports from the Committee on Attachés, Contingent Expenses, and Mileage.

Mr. White moved to postpone the consideration of said reports until eleven o'clock P. M.

Mr. Jones moved, as an amendment, that the consideration of said reports be set for seven o'clock and thirty minutes P. M.

Lost.

Mr. White's motion was then put and carried.

#### SPECIAL FILE—FIRST READING—(RESUMED).

Senate Constitutional Amendment No. 4—To propose an amendment to section eight, of Article XI, of the Constitution of the State of California, relating to the framing of a charter for cities of more than one hundred thousand inhabitants, and for cities of over ten thousand and less than one hundred thousand inhabitants.

Temporarily passed on file.

#### BILL WITHDRAWN.

By Mr. White: Senate Bill No. 435.

#### SPECIAL FILE—FIRST READING—(RESUMED).

Senate Bill No. 312—An Act to provide a water supply for the hotel constructed in Yosemite Valley under Act of March 9, 1885, and to appropriate money therefor.

Also, Senate Bill No. 319—An Act to provide a water supply for the hotel constructed in Yosemite Valley under Act of March 9, 1885, and to appropriate money therefor.

Also, Senate Bill No. 311—An Act to aid the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, and to appropriate money therefor.

Also, Senate Bill No. 310—An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.

Also, Senate Bill No. 39—An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Also, Assembly Bill No. 119—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Deputy for the

Superintendent of Public Instruction, and equalizing the same with the salaries paid the deputies for other State officers.

Severally read first time, and ordered to a second reading.

GENERAL FILE—THIRD READING.

Mr. Wilson in the chair.

Senate Bill No. 239—An Act to amend section one thousand seven hundred and seventy-one of "An Act to establish a Political Code," approved March 12, 1872, in relation to the powers of County Boards of Education.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Patterson, Pinder, Roth, Sargent, Vrooman, Walrath, White, and Wilson—29.

NOES—None.

Title read and approved.

Senate Bill No. 341—An Act to amend section four hundred and eighty-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Pinder, Roth, Spellacy, Sullivan, Walrath, White, and Wilson—30.

NOES—Mr. Sargent—1.

Title read and approved.

SPECIAL FILE—FIRST READING.

Assembly Bill No. 464 read first time, and ordered to second reading.

GENERAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 78—An Act to amend section one hundred and seventy of the Code of Civil Procedure, relating to disqualifications of Judges.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Conklin, Crandall, Crimmins, Dixon, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—Messrs. Gesford and Meany—2.

Title read and approved.

Senate Bill No. 34—An Act to provide for the better protection and security of life and property in the use of steam boilers.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Clunie, Crimmins, Dixon, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, Sullivan, Walrath, White, and Wilson—22.

NOES—Messrs. Boggs, Briceland, Byrnes, Conklin, Crandall, Hall, Haynes, Hinshaw, Langford, Patterson, Rose, Roth, Sargent, Steele, Vrooman, and Yell—16.

Title read and approved.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 262, 25, 113, 431, 34, 304, and 194.

SPELLACY, Chairman.

## RECESS.

At five o'clock and forty-five minutes P. M., on motion of Mr. Jones, the Senate took a recess until seven o'clock and thirty minutes P. M.

## REASSEMBLED.

At the set time the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crammins, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Lenahan, McCudden, Meany, Moffitt, Murphy, Pinder, Sargent, Steele, Walrath, White, and Wilson.

Quorum present.

Mr. Jones asked leave to withdraw Senate Bill No. 348 (174 on file), and substitute therefor Senate Bill No. 438, to take the place of 348 on file; also, to withdraw Senate Bill No. 119 (293 on file).

So ordered.

## REPORTS OF STANDING COMMITTEES.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

No. 430.

SPELLACY, Chairman.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 437—Entitled an Act to amend section two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to preventing the bringing into the State persons affected with leprosy, or insanity, or such other persons as by reason of their condition are liable to become a charge upon the State, and to provide for the deportation of same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

## PETITION.

By Mr. Moffitt: From members of the Board of City Trustees and Board of Education of the City of Petaluma, in favor of the passage of Senate Bill No. 84.

Petition read and ordered on file.

## MOTION.

Mr. Moffitt moved to take up Senate Bill No. 84.

Mr. Caminetti moved, as an amendment, that the Senate proceed with the regular order of business.

So ordered.

## GENERAL FILE—THIRD READING.

Senate Bill No. 222—An Act to confine the power to impose license taxes in incorporated cities and towns, other than consolidated cities and counties, to the corporate authorities of such cities and towns.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Clunie, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Spellacy, Walrath, White, and Wilson—25.

NOES—Messrs. Briceland, Caminetti, Chandler, Conklin, Haynes, Hinshaw, Langford, Patterson, Roth, Sargent, and Steele—11.

Title read and approved.

Mr. Goucher in the chair.

Assembly Bill No. 12—An Act to provide for the organization and government of irrigation districts, and to provide for the organization and distribution of waters thereby for irrigation purposes.

Read third time.

Mr. Goucher moved a call of the Senate.

So ordered.

## LEAVE OF ABSENCE.

Messrs. McDonald and Vrooman were granted leave of absence for remainder of the day.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson.

On motion of Mr. Abbott, further proceedings under the call were dispensed with.

Upon the passage of the bill the roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—37.

NOES—None.

Title read and approved.

Senate Bill No. 173—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand one hundred and twenty-nine, relating to the sale of mortgaged premises by a Commissioner.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Walrath—32.

NOES—Messrs. Haynes, Hinshaw, Langford, White, and Wilson—5.

Title read and approved.

Senate Bill No. 121—An Act to amend section six hundred and



thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—36.

NOES—None.

Title read and approved.

Assembly Bill No. 49—An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to chattel mortgages.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—37.

NOES—None.

Title read and approved.

Senate Bill No. 25—An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, and Walrath—33.

NOES—Messrs. White and Wilson—2.

Title read and approved.

Assembly Bill No. 69—An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Walrath, White, and Wilson—33.

NOES—Mr. Langford—1.

Title read and approved.

Senate Bill No. 262, on account of a clerical error, was, on motion of Mr. Clunie, referred to a select committee, consisting of Mr. Caminetti, with instructions to correct the error referred to, and report thereon.

Senate Bill No. 113—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Mollitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—37.  
 NOES—None.

Title read and approved.

#### REPORT OF SELECT COMMITTEE ON SENATE BILL No. 262.

MR. PRESIDENT: Your committee, appointed to amend Senate Bill No. 262, so as to strike out words "sixty-three," in section one, and insert in lieu thereof the words "seventy-eight," hereby reports that said bill has been amended as directed.

Your committee also added the following after the enacting clause, viz.:  
 Section 1.

CAMINETTI.

Report adopted, and bill ordered reëngrossed, and to a third reading.  
 Senate Bill No. 304—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Mollitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—36.  
 NOES—Messrs. Hinshaw and Langford—2.

Title read and approved.

Senate Bill No. 51—An Act to provide for the impounding of mining debris.

The question being on the second reading of the bill.

Mr. Chandler obtained the floor in opposition to the bill, and having occupied the time allowed under the rule limiting debate to five minutes, on motion of Mr. Patterson, said rule was suspended, and Mr. Chandler was allowed ten minutes' further time.

Mr. Chandler having exhausted the time so allowed him, on motion, the rule limiting debate was further suspended, and Mr. Chandler allowed fifteen minutes additional time in discussion of the subject before the Senate, with the understanding that the same length of time be allowed some one speaker on the opposite side. The remaining speakers, on either side, to be limited to five minutes each.

Pending consideration of the bill, Mr. Clunie had leave to call up for consideration, to the extent of having the same progressed to engrossment, Senate Bill No. 67—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors, and drivers, and grip-men, and to amend section three thousand two hundred and forty-four of said Code.

Committee amendments considered, as follows:

#### COMMITTEE AMENDMENTS.

Amend, by striking out, in section three thousand two hundred and forty-six, page two, line twelve, the words "one dollar," and insert in lieu thereof "thirty cents."

Adopted.

Also, in line thirteen, same section, strike out the words "as a penalty."

Adopted.

Also, in section three thousand two hundred and forty-seven, page two, line four, insert the word "the," and before the word "price," the following: "value or."

Adopted.

Also, strike out, on same line, the words "or the penalty."

Adopted.

Also, in same section, lines eight and ten, strike out the words "one dollar," and insert in lieu thereof "thirty cents."

Adopted.

Also, in section three thousand two hundred and fifty, page three, line five, insert, after the word "day," and before the word "and," the following words: "except as in this Act provided."

Adopted.

Also, in line seven, same section, insert, after the word "day," and before the word "shall," the following words: "in violation of the terms of this Act."

Adopted.

Mr. White moved to amend, as follows: in section three, line eleven, after the word "unless," insert the words "it be established."

Adopted.

Mr. Goucher moved to amend, as follows: in section four, line sixteen, after the word "defendant," strike out the words "as a penalty."

Adopted.

By Mr. White: in section two, line seven, after the word "void," insert the words "at the option of the employé."

Adopted.

Mr. Caminetti moved to add a new section, to read as follows:

SEC. 7. This Act shall take effect immediately.

Adopted.

Senate Bill No. 67, so amended, ordered engrossed, and to a third reading.

Mr. Clunie moved to place the bill at the head of the Special File, for to-morrow.

Mr. Walrath raised the point of order, that the understanding, when the bill was taken up, was that the bill should only be progressed to engrossment at this time, and that the motion to place the bill at the head of the Special File was in violation of such agreement.

The Chair decided the point to be well taken.

Mr. Caminetti moved that the bill be made the special order for to-morrow, at eleven o'clock A. M.

So ordered.

#### CONSIDERATION OF SENATE BILL No. 51—(RESUMED).

Bill read a second time.

#### MOTION.

Mr. Murphy moved that the consideration of the report of the Committee on Attachés, Contingent Expenses, and Mileage, heretofore set for this time, be postponed until after the matter before the Senate be disposed of.

So ordered.

## CONSIDERATION OF SENATE BILL No. 51—(RESUMED).

Mr. Caminetti moved the adoption of the substitute reported by the committee.

So ordered.

Consideration of substitute proceeded with.

Amendments to Substitute for Senate Bill No. 51—By Mr. Caminetti: after the word "works," in section one, line five, insert the words "of stone."

Adopted.

Also, amend section one, line five, by inserting, before the word "restrain," the word "permanently."

Adopted.

Also, amend section one, line nine, by inserting, before the word "impounding," the word "permanently."

Adopted.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By unanimous consent, Mr. Dray had leave to introduce the following bill:

Senate Bill No. 441—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Ordered on file.

## CONSIDERATION OF SUBSTITUTE FOR SENATE BILL No. 51—(RESUMED).

## CALL OF THE SENATE.

Mr. Pinder moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered\* to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Walrath, White, and Wilson.

On motion of Mr. Goucher, further proceedings under the call were dispensed with.

Mr. Walrath moved that the matter before the Senate, to wit—Substitute for Senate Bill No. 51, and pending amendments—be made the special order for to-morrow, at eleven o'clock and fifteen minutes A. M.

So ordered.

## REPORT—(OUT OF ORDER).

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Senate Bill No. 439—Entitled an Act to amend an Act to establish a Code of Civil Procedure, approved March 12, 1872, by adding thereto a new section, to be numbered section five hundred and thirty-four, providing for the dissolution of injunctions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 440—Entitled an Act to amend section nine hundred and forty-four of an Act to establish a Code of Civil Procedure, providing how judgments granting perpetual injunctions may be stayed on appeal—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOUCHER, For Judiciary Committee.



## ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

*Resolved*, That the State Controller be and he is hereby authorized to draw his warrant in favor of D. J. McCarthy, Chairman of Committee on Military Affairs, for mileage to Los Angeles, for Messrs. Yell, Spellaey, Wilson, Crimmins, Jones, McDonald, and McCarthy, also Clerk Pendegast, at the rate of ninety-five dollars and sixty cents each.

McCARTHY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

## ADJOURNMENT.

At twelve o'clock and ten minutes A. M., on motion of Mr. Bowers, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, )  
Saturday, February 26, 1887. }

The Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lennahan, McCarthy, McCudden, Patterson, Pinder, Rose, Roth, Sargent, Steele, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by Rev. A. J. Frost.

Reading of Journal dispensed with, and approval of same postponed to one o'clock and thirty minutes this P. M.

## MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 13—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled an Act to define, regulate, and govern State Prisons of California.

FRANK D. RYAN, Chief Clerk.

Assembly Bill No. 13—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled an Act to define, regulate, and govern State Prisons of California—reported from the Assembly, read first time, and made the special order for Monday next, at two o'clock and thirty minutes P. M.

Also, Assembly Bill No. 207—An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office, for the fiscal year ending June 30, 1887.

Also, on this day, passed Senate Bill No. 340—An Act to amend an Act entitled "An Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums," approved March 3, 1885, by adding a new section thereto.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Assembly Bill No. 207, above reported, referred to Committee on Finance.

Senate Bill No. 340 referred to Committee on Enrollment.

The consideration of the reports of the Committee on Attachés, Contingent Expenses, and Mileage, heretofore set for this time, proceeded with.

#### REPORTS OF STANDING COMMITTEES.

##### ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the mileage account of the Committee on Military Affairs, for visiting Stockton and San José—having had the same under consideration, beg leave to report, and recommend the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators McCarthy, Spellacy, Crimmins, Wilson, and Clerk Pendergast, for thirty-five dollars and twenty cents each, due as mileage for visiting Stockton and San José as members of the Committee on Military Affairs.

MURPHY, Chairman.

On the adoption of the resolution reported by the committee, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Patterson, Rose, Roth, Walrath, and White—27.

NOES—Messrs. Pinder, Steele, and Wilson—3.

Also, the mileage account of the Committee on Hospitals, who visited public institutions at San José, Santa Clara, Stockton, and Napa—having had the same under consideration, beg leave to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate, in favor of Senator Crandall, for thirty-eight dollars and eighty cents, Senator Briceland for thirty-eight dollars and eighty cents, Senator Meany for twenty-six dollars and twenty cents, Senator McCarthy for twenty-six dollars and twenty cents, and the clerk of the Committee on Hospitals for thirty-eight dollars and eighty cents, the amounts being due the members of the Committee on Hospitals as mileage for visiting public institutions at San José, Santa Clara, Stockton, and Napa.

MURPHY, Chairman.

The roll was called, and resolution above reported adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gestford, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Vrooman, Walrath, White, and Yell—29.

NOES—Messrs. Steele and Wilson—2.

Also:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants, payable out of the Contingent Fund of the Senate, in favor of the following named Senators, members of the Committee on Fish and Game, and the clerk of said committee, for the sums set opposite their names:

To B. V. Sargent—mileage from Sacramento to State line, and return, 286 miles... \$28 60  
To A. Walrath—mileage from Sacramento to State line, and return, 286 miles.... 28 60

To A. F. Jones—mileage from Sacramento to State line, and return, 286 miles ....	\$28 60
To Geo. W. Peckham, clerk of committee—mileage from Sacramento to State line, and return, 286 miles.....	\$28 60
Telegraphing for committee.....	1 40
	30 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

The roll was called, and resolution reported adopted by the following vote: \*

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Vrooman, Walrath, White, Wilson, and Yell—32.  
 NOES—Mr. Steele—1.

Also, the mileage account of the Committee on State Prisons, beg leave to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators Jones, Wilson, Briceland, Lenahan, Yell, Moffitt, Abbott, Langford, Murphy, and Clerk Ditzler, of the Committee on State Prisons, for four dollars and eighty cents each, due as mileage for visiting the State Prison at Folsom; also, in favor of Senator Jones, for one dollar and thirty-five cents, paid by him for telegraphing.

MURPHY, Chairman.

The roll was called, and resolution reported adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, Meany, Murphy, Patterson, Rose, Roth, Sargent, Vrooman, White, and Yell—28.  
 NOES—Messrs. Steele and Wilson—2.

Also, the following:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of Senators Gesford, Conklin, Bowers, and Caminetti, for ninety-five dollars and sixty cents each, due them as members of Committee on Education, for visiting the State Normal School at Los Angeles; also, that the Controller be directed to draw his warrant in favor of J. I. McConnell, clerk of said committee, for ninety-five dollars and sixty cents, mileage due in accompanying said committee from Sacramento to Los Angeles.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, McCarthy, Meany, Murphy, Patterson, Rose, Roth, Sargent, Vrooman, and Yell—26.  
 NOES—Messrs. Steele and White—2.

Also, the following:

*Resolved*, That Luke Kavanaugh be and he is hereby allowed the sum of one hundred and twenty-two dollars, payable out of the Contingent Fund of the Senate, for services rendered the Committee on Claims as shorthand reporter, and the Controller is hereby directed to draw his warrant for said sum.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

The roll was called, and resolution reported adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Jones, Langford, McCarthy, Meany, Murphy, Patterson, Rose, Roth, Sargent, Vrooman, Walrath, White, Wilson, and Yell—28.  
 NOES—Mr. Steele—1.

Also, the following:

*Resolved*, That Samuel Osbourne be and he is hereby allowed the sum of forty dollars for services rendered as stenographer of the Committee on Military Affairs during its visit to and inspection of the National Guard at San Francisco, payable out of Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

The roll was called, and resolution reported adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Haynes, Hinshaw, Jones, Langford, McCarthy, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Vrooman, Walrath, White, Wilson, and Yell—31.  
 NOES—Mr. Steele—1.

Also, the bill of C. H. Rave, for thirty dollars (\$30), for repairing and supplying locks, keys, etc., in Senate Chamber and Senate committee rooms—have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

*Resolved*, That C. H. Rave be and he is hereby allowed the sum of thirty dollars, payable out of the Contingent Fund of the Senate, for services rendered as a locksmith and material furnished for the use of the Senate.

MURPHY, Chairman.

The roll was called, and resolution reported adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Jones, McCarthy, McCudden, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson—29.  
 NOES—Mr. Hinshaw—1.

Also, the following:

*Resolved*, That G. W. Locke be and he is hereby allowed four days' pay as Porter of Senate Chamber, services rendered during temporary organization, at a per diem of four dollars, payable out of the Senate Contingent Fund.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

The roll was called, and resolution reported adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Murphy, Patterson, Rose, Roth, Steele, Vrooman, Walrath, White, and Wilson—29.  
 NOES—None.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 342, 1, and 262.

DIXON, Acting Chairman.



## RESOLUTION—(OF ORDER).

By Mr. White, as follows:

*Resolved*, That Assembly Bill No. 207—Entitled an Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office, for the fiscal year ending June 30, 1887—presents a case of urgency, as that term is used in section fifteen, of Article IV. of the Constitution, and the provision of said section requiring said bill to be read on three several days, is hereby dispensed with, and the same shall be read three times and put upon its passage this day.

On the adoption of the resolution the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

Assembly Bill No. 207 taken up, read at length three times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—32.

NOES—None.

Title read and approved.

## REPORT—(OUT OF ORDER).

By Mr. Yell:

MR. PRESIDENT: Your Committee on Constitutional Amendments beg leave to report that they have had the following bills under consideration, and beg leave to report the same back, without recommendation, viz.:

Assembly Constitutional Amendments Nos. 17, 13, and 2; Senate Bills Nos. 210, 221, 324, 6, and 276.

YELL, Chairman.

## SPECIAL ORDER.

Senate Bill No. 67—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors, and drivers, and gripmen, and to amend section three thousand two hundred and forty-four of said Code.

Mr. Clunie moved that said Senate Bill No. 67 be recommitted to Senator McCarthy, with special instructions to strike out the present title and insert in lieu thereof:

An Act to amend section three thousand two hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, and to add five new sections to said Political Code, to be numbered sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, and three thousand two hundred and fifty, regulating the hours of labor.

So ordered.

## REPORT OF SELECT COMMITTEE ON SENATE BILL No. 67.

SENATE CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 67, with special instructions, begs leave to report that he has amended the title of the bill, as instructed, by striking out the title of the bill and inserting in lieu thereof:

An Act to amend section three thousand two hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, and to add five new sections to same Political Code, to be numbered sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, and three thousand two hundred and fifty, regulating the hours of labor.

D. J. McCARTHY.

Report adopted.

Senate Bill No. 67, so amended, made the special order for Monday next, at three o'clock P. M.

#### MOTION.

Mr. Vrooman moved to take up, out of order, Senate Bill No. 442, for first reading.

So ordered.

Senate Bill No. 442 read first time, and ordered placed at head of Special File.

#### SPECIAL FILE—THIRD READING.

Senate Bill No. 430—An Act to provide for the completion of all unfinished county buildings in the several counties, cities and counties, cities and towns, throughout the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell. 32.

NOES—None.

#### SPECIAL ORDER.

Substitute for Senate Bill No. 51—An Act to provide for the impounding of mining debris.

#### CONSIDERATION OF AMENDMENTS—(RESUMED).

Mr. Clunie moved to further amend section one, by adding thereto: "*and provided*, also, that no dam shall be erected that will if carried away by water, in whole or in part, in any way affect the navigability of any navigable stream in the State."

#### PREVIOUS QUESTION.

Mr. Jones moved the previous question.

So ordered.

The question being on the amendment offered by Mr. Clunie.

The ayes and noes were demanded by Messrs. Clunie, Jones, and Chandler.

Mr. Jones moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Molitt, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Mr. Jones also moved that the hour of recess be extended until a vote on the question pending before the Senate be had, and that a recess of one hour and a half be then taken.

So ordered.

The roll was then called, and the amendment of Mr. Clunie rejected by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hinshaw, Langford, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Wilson—18.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Vrooman, Walrath, White, and Yell—22.

#### RECESS.

At twelve o'clock and five minutes p. m. the Senate took the usual daily recess.

#### REASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson.

Quorum present.

Journal of yesterday approved.

Consideration of Substitute for Senate Bill No. 51, pending when the Senate took a recess, resumed.

Mr. White moved to further amend section one, by adding thereto as follows: "*provided*, that no dam shall be constructed or erected under the provisions of this Act in such manner as to endanger or materially affect the navigability of any navigable stream in this State."

Adopted.

Mr. Clunie moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call dispensed with.

#### MOTION.

Mr. Bowers moved that the further consideration of Senate Bill No. 51 be passed for the present, and that the bill be referred to a select committee of four, two on each side, to perfect amendments desired to be offered.

Mr. Clunie moved, as an amendment, that the bill be referred to

Messrs. Caminetti and Chandler, with instructions to report such amendments as may be deemed necessary with the view of making the bill acceptable to the Senate.

Mr. Jones moved, as a substitute, that Senate Bill No. 51 be temporarily passed, and that the Senate proceed with the next regular order of business.

So ordered.

#### SPECIAL FILE—THIRD READING.

Senate Bill No. 431—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Spellacy, Steele, White, and Yell—29.

NOES—Messrs. Clunie and Vrooman—2.

Title read and approved.

Senate Bills Nos. 342 and 145 severally passed on the file.

Senate Bill No. 194—An Act making appropriation for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Read third time.

#### CALL OF THE SENATE.

Mr. Lenahan moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

#### LEAVE OF ABSENCE.

Mr. McCudden was granted one day's leave of absence.

Further proceedings under the call of the Senate dispensed with.

The question being upon the passage of Senate Bill No. 194, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Boggs, Briceland, Clunie, Conklin, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, White, Wilson, and Yell—25.

NOES—Messrs. Abbott, Bowers, Byrnes, Caminetti, Crandall, Dixon, Jones, Langford, Patterson, Rose, Steele, Vrooman, and Walrath—13.

Title read and approved.

Senate Bill No. 271 passed on file.

#### MOTION.

Mr. Murphy moved to take up, out of order, Senate Bill No. 179 (262 on the file) for first reading.



Ayes and noes demanded by Messrs. Vrooman, Moffitt, and Lenahan.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call dispensed with.

Upon the motion of Mr. Murphy for a suspension of the rules, the roll was called, and the motion was rejected by the following vote:

AYES—MESSRS. Abbott, Clunie, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Spellacy, Sullivan, and Walrath—14.

NOES—MESSRS. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Moffitt, Rose, Roth, Sargent, Steele, Vrooman, White, Wilson, and Yell—25.

Senate Bill No. 312—An Act to appropriate money for the preservation and improvement of Yosemite Valley and Mariposa Big Tree Grove.

Read second time.

Committee amendment, as follows, considered: strike out of section one, line one, the words "twenty-five," and substitute therefor the word "fifteen."

So ordered.

So amended, the bill was ordered engrossed, and to a third reading.

Senate Bill No. 319—An Act to provide a water supply for the hotel constructed in Yosemite Valley under Act of March 9, 1885, and to appropriate money therefor.

Read second time.

Committee amendment, as follows, considered: strike out, in lines one and two, the words "seven thousand five hundred dollars," and substitute therefor the words "five thousand dollars."

Lost.

Senate Bill No. 311—An Act to aid the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, and to appropriate money therefor.

Read second time.

Substitute by committee also read, adopted, ordered engrossed, to a third reading, and ordered printed.

Senate Bill No. 310—An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 271—An Act to encourage and provide for a general vaccination in the State of California.

Read second time.

Mr. Vrooman offered a substitute.

Substitute read, adopted, and ordered printed.

Senate Bill No. 39—An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 13, 1878.

Substitute reported, adopted, and read second time.

Mr. Moffitt moved to amend section three, by striking out, in line twenty-eight, in section eleven, printed substitute, the word "two," and insert in lieu thereof the word "four," and make the word "creditor," in line twenty-six, read "creditors."

Adopted.

Also, in line four, section six, strike out the word "Clerk," and insert the word "Secretary."

Adopted.

Also, in line six, strike out the word "three," and insert the word "four."

Mr. Dray moved to amend, by striking out of section sixteen, line seven, the word "deposits," and insert the word "assets;" also, in line ten, section sixteen, strike out the word "deposits," and insert the word "assets;" also, in line twelve, same section, strike out the word "deposits," and insert the word "assets."

Lost.

On the adoption of the amendment proposed by Mr. Dray, the ayes and noes were demanded by Messrs. Dray, Boggs, and Gesford, and the amendment lost by the following vote:

AYES—Messrs. Crandall, Dray, Sargent, and Steele—4.

NOES—Messrs. Boggs, Bowers, Byrnes, Clunie, Crimmins, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sullivan, Vrooman, White, Wilson, and Yell—25.

Mr. Gesford amends Substitute for Senate Bill No. 39, by inserting, in section twenty-three, line six, after the word "business," the words "unless such person or persons have complied with or shall forthwith comply with the provisions of Article VII, of Chapter II, Title X, Part IV, of the Civil Code of this State."

Adopted.

Mr. Steele amends section one, line fifteen, as follows: by striking out of section one, line fifteen, the word "savings bank officers and the officers of banks or banking corporations," and inserting, instead, the following: "all persons, firms, partnerships, corporations, or officers required to make and return statements or reports to said Bank Commissioner by the provisions of this Act."

Adopted.

So amended, Substitute for Senate Bill No. 39 was ordered engrossed, and to a third reading.

#### MOTION.

Mr. McCarthy moved that Senate Bill No. 35 (86 on the file) and Senate Bill No. 86 (103 on the file) be transposed on the file.

So ordered.

#### SPECIAL FILE—SECOND READING—(RESUMED).

Assembly Bill No. 119—An Act to amend section five hundred and fourteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the salary of the deputy for the Superintendent of Public Instruction, and equalizing the same with the salaries paid the deputies for other State officers.

Read second time, and ordered to a third reading.

Assembly Bill No. 464—An Act to provide for the support of the public schools of the State of California, by a permanent levy and rate of taxation.

## Referred to Committee on Finance.

## MOTION.

Mr. Sargent moved to withdraw Senate Bill No. 165 (84 on file), and substitute therefor Assembly Bill No. 152 (136 on file).

So ordered.

## RESOLUTION—(OUT OF ORDER).

Mr. Jones had leave to introduce, out of order, the following resolution:

*Resolved*, That the sum of one thousand one hundred and forty-five dollars and forty cents (\$1,145 40) be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by P. J. Crimmins in the contested election case of W. H. Williams vs. P. J. Crimmins.

*Resolved*, That the Controller be and he is hereby authorized and instructed to draw his warrant, in favor of P. J. Crimmins, for said sum of one thousand one hundred and forty-five dollars and forty cents (\$1,145 40), and the Treasurer of State is hereby instructed to pay the same.

## Referred to Committee on Elections.

## SPECIAL FILE—FIRST READING.

Senate Constitutional Amendment No. 1—An Act to amend section one, of Article XIII, of the Constitution of the State of California.

A resolution proposing an amendment to section one, of article thirteen, of the Constitution of the State of California, relating to exemption from taxation of personal property, not exceeding in value three hundred dollars, and exempt by law from execution.

*Resolved*, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section one, of article thirteen, of the Constitution of said State, be amended so as to read as follows:

SECTION 1. All property in the State not exempt under the laws of the United States shall be taxed in proportion to its value, to be ascertained as provided by law. The word property, as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things real, personal, and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, and such personal property not exceeding in value three hundred dollars as is exempt by law from execution, shall be exempt from taxation. The Legislature may provide, except in the case of credits, secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

Read and adopted by the following vote, two thirds of the members having voted therefor:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—Mr. Patterson—1.

## REPORT—(OUT OF ORDER).

By Mr. McCarthy:

SENATE CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: Your Committee on Military Affairs, having, in conjunction with a similar committee from the Assembly, visited and inspected the various armories, militia, ordnance, and accouterments of the following companies, stationed at San Francisco, Sacramento, Stockton, San José, and Los Angeles, beg leave to present the following

report as the result of their investigation, and to offer such recommendations as are deemed absolutely necessary and proper for the advancement of the Military Department of the State of California.

On Friday evening, February fourth, we visited the various companies comprising the Second Brigade (stationed at San Francisco) in the following order:

The first place we visited was the armory of the "Second Artillery Regiment," located at No. 120 Grove Street, where we found the regiment, under command of Lieutenant-Colonel Wilder, drawn up in single file front, across the floor, ready to receive us. The companies of this regiment which appeared were: Company "G," Captain James Remfeld, had sixty-three men in line (within a dozen of full ranks); Company "F," Captain P. Loring, had fifty men present; Company "E," Captain John Flynn, had forty-two men present; Company "D," Captain George Bigley, had thirty-seven men present; Company "C," Captain A. Huber, had sixty men present; Company "H," Captain William Waters, had sixty-eight men in line; Light Battery "A," under command of Captain Sims, had forty men in line. The companies named made a fine appearance, and their armory appeared in a clean and orderly condition.

Thence we visited the armories of Companies "C," "F," and "G," of the First Infantry Regiment, at 324 Post Street. Company "C," under command of John E. Klein, had fifty uniformed men in line; Company "F," Captain R. Loughery, sixty-one men; and Company "G," seventy men, all of whom made a fine appearance.

We next visited and inspected the armory and accouterments of the Third Regiment, corner of New Montgomery and Howard Streets, where we found the various companies drawn up in full ranks almost to a man, in the following order: Company "A," Captain Robert Cleary; Company "B," Captain Thomas Brady; Company "C," Captain Henry Levy; Company "D," Captain J. O'Connor; Company "E," Captain Miles McCormack; Company "F," Captain James F. Smith; Company "G," Captain Daniel J. Driscoll, Cadet Corps, Captain S. J. Ruddell. The men drilled in excellent order, and with great precision of the various movements, under the direction of Major Thomas F. Barry.

The remaining companies of the First Infantry were next visited at their armory on New Montgomery Street, where we found the regiment in the following order: Company "B," Captain Burdick, had forty-eight men in line; Company "D," Captain Jensen, had fifty-one men in line; Company "A," Captain McMenomy, had fifty-three men in line; Company "H," Captain H. P. Bush, had forty-eight men in line.

The last place visited was the armory of the "San Francisco Hussars," the only cavalry company in the city, located on Minna and New Montgomery Streets; here fifty-five men, under command of Captain C. C. Keene, made a very creditable appearance.

This closed our visit and inspection of the militia in San Francisco; and we next directed our attention to the brigades located in the various other counties throughout the State, as follows:

On Thursday evening, February 10, 1887, we visited and inspected the First Artillery Regiment of Sacramento, under command of Colonel T. W. Sheehan, at their armory, corner of Sixth and L Streets. The ranks were almost full, and more men would have been in line had there been a sufficient supply of presentable uniforms. The companies that participated were "A," "B," "E," and "G," of Sacramento, and Company "F," of the Town of Woodland, fifty in number, under command of Captain Curson. The men appeared neat and orderly, but your committee took special notice of the worn out condition of their uniforms, and the almost useless state of the muskets.

On Friday evening, February eleventh, we visited the armory of the "Third Brigade," with headquarters at Stockton. The companies of this brigade are Company "A," fifty-two men, under command of J. B. Douglas; Company "B," forty-nine men, under command of J. J. Nunan. With the exception of the worn out condition of the uniforms, the regiment appeared in an orderly condition.

On February twelfth we visited the "Fifth Infantry," comprising one company (Company "B"), forty-four strong, under command of Captain Albert K. Whitton, located at San José. Here, also, we found the uniforms in the same condition as aforesaid—much worn and soiled, and the muskets entirely worn out and almost unfit for use.

On Sunday, February twentieth, we directed our visit to the southern part of the State, and inspected the militia stationed at Los Angeles, viz: "Seventh Infantry Battalion," commanded by Major William H. Russell. The companies comprising this battalion are Company "A," A. B. Chapman in command, of forty-seven men; Company "C," forty-seven men, under command of M. L. Starin. After a close inspection we found the uniforms in a dilapidated and threadbare condition, and the guns old and unfit for use.

This concluded our visits, and after a thorough investigation of the equipments, etc., of the various companies aforesaid, your committee desire to make the following report and recommendations relative to the National Guard of California. We found everything in excellent condition, the property of the State well taken care of, and the discipline of the troops to be such that justly merits their highest commendation. On the whole, the following regiments of the National Guard of California, and their officers, deserve great praise and recognition from the State: Second Brigade, Brigadier-General William H. Dimond; First Brigade, Brigadier-General John R. Mathews; Seventh Infantry Battalion, Major William H. H. Russell; and Third Infantry Regiment, Major Thomas F. Barry, whose efforts and endeavors have always been in behalf of the National Guard.

In fact, we believe that the National Guard of California (in point of numbers, discipline, and soldierly bearing, drill and general efficiency) can compare favorably with any



similar organization in the United States. A great drawback, however, to the complete efficiency of the Second Brigade is a want of suitable armories.

The companies, in place of being scattered about (here and there) in different and unfit armories, as they are at present (some not even having the necessary or suitable drilling accommodations), should be in some centrally located and properly constructed "armory" owned by the State; and, in view of this fact, your committee has carefully considered the matter, and deem it would be for the best interests of the State, through the present Legislature, to make sufficient appropriation for the erection of a suitable building, as aforesaid, in those places where a number of companies are located. As it is at present, in San Francisco the greatest expense of the various companies is for "armory rent," and hence, if the State had an armory, the allowances made to companies could be accordingly decreased, and this reduction in the allowance would, in a few years, more than fully compensate the State for the construction and erection of a "State Armory," therefore, in the opinion of your committee, the construction of the same by the State would not only be a benefit to the various commands, but would also greatly decrease the expenses of the Military Department. The armories, as at present located, are scattered, and in case of riotous disturbance, which is always possible, the fact that the arms, uniforms, equipments, etc., of the militia are stored in different buildings throughout the city, would make safety very insecure.

Your committee were struck with the shabby and threadbare condition of the uniforms of most of the companies that appeared, and also took special notice of the worn out and almost useless condition of the muskets. Upon inquiry it was learned by your committee that, owing to the insufficiency of the State appropriations, the companies in question were unable to procure new uniforms; and to do so they would be obliged to assess themselves in order to provide a supply of uniforms, which, in the judgment of your committee, should be provided by the State. Many excellent and most desirable young men would join the ranks were they not deterred by the expense attendant upon the purchase of said uniforms, and we earnestly suggest and urge the importance of the Legislature acting favorably in behalf of the National Guard for sufficient appropriation to uniform and equip their troops. Such action would infuse new life and greatly increase enlistments; and it seems but mere justice to the men that the State should relieve them from the expense of buying clothes simply used in its service.

In connection herewith your committee further desire to say that there are at the present time about forty organized companies in the National Guard, the maximum number fixed by law. It is the opinion of this committee that, in order to make the National Guard of California more effective, and to have it second to none of the militia of the Eastern States, an increase of ten additional companies in different parts of the State should be made, which would greatly enhance interest in military matters, and dispel any sectional feeling of jealousy that may exist.

The great usefulness of a State National Guard has already been sufficiently demonstrated, not alone in our own State, but in many of the States abroad. It serves as an aid to civil power, or as a police or military force in an emergency (always at a moment's notice ready and willing to respond for duty on a call by the authorities), and public safety of our State demands that we foster and encourage the system of citizen soldiery by furnishing all the means necessary for its advancement.

In conclusion, your committee desire to say that the importance of a well ordered and efficient body of citizen soldiery in the State of California cannot be overrated, and no doubt will command the assent and support of all who give to this subject any consideration.

Senate Bills Nos. 16 and 120, relative to the subjects treated on in this report, in relation to the National Guard of California, meet with the approval and indorsement of your committee, and they respectfully recommend and urge their immediate passage.

Respectfully,

D. J. McCARTHY, Chairman.

On motion of Mr. McCarthy, one thousand copies of the above report was ordered printed.

On motion of Mr. Goucher, it was ordered that the following Assembly Bills be placed on Special File:

Assembly Bill No. 111—An Act to appropriate money to pay the claim of W. T. Brown, or his executors or administrators.

Also, Assembly Bill No. 112—An Act to appropriate money to pay the claim of R. F. Del Valle.

Also, Assembly Bill No. 113—An Act to appropriate money to pay the claim of B. F. Langford.

Also, Assembly Bill No. 114—An Act to appropriate money to pay the claim of Benj. Knight.

Also, Assembly Bill No. 115—An Act to appropriate money to pay the claim of E. T. Wilkins.

Senate Bill No. 234 (235 on General File) also placed on Special File.

Consideration of Senate Bill No. 51—An Act to provide for the impounding of mining debris, temporarily passed at the forenoon session, resumed.

Mr. Caminetti offered the following amendment: strike out of section one, line one, down to and including the word "lease," on line three, and insert in lieu thereof "any number of persons or corporations not less than five, when that or a greater number are mining on the stream, or mining ground above the place where the dam or dams are to be located, or where there are less than five so mining, then all such number having secured title in fee or having obtained title by certificate of purchase from the United States Government, or assignees thereof, or who may hereafter secure such title or certificate from said Government of United States, or the assignees thereof, to mining ground or lands, or who have secured, or may hereafter secure a title as absolute as the law will permit to."

Adopted.

Also, before the word "water," line five, page two, "mining property and lands as aforesaid," after the word "them," line six, page two.

Adopted.

Also, after the word "*provided*," line ten, page two, "for the purposes of this Act the law in relation to the formation and government of corporations are made applicable hereto, so far as the same apply."

Adopted.

Also, amend section three, by inserting, after the word "created," in line five, the following: "said estimate shall be made by the State Engineer, or other engineer provided by this Act, if there be no State Engineer, and his certificate thereof shall be filed in the office of the Secretary of State, as condition precedent to issuance of the shares of stock."

Adopted.

Amend section four, by striking out the words "or lien upon," in lines three and four.

Adopted.

Amend section five, by inserting, after the word "stockholder," in line seven, the following: "and also upon the mines and mining ground worked by such stockholder, or worked by means of his water ditches, the debris of which mines and mining ground is discharged into the stream or streams upon which such impounding works are located."

Adopted.

Amend section five by striking out the words "the Legislature shall have the power to pass all necessary laws for that purpose," and insert, instead, "the State Engineer or other engineer provided by this Act may certify that fact to the Governor, and thereupon so much of said Sinking Fund as may be necessary to maintain such dams and works, may be immediately expended for that purpose, under the directions of the State Engineer or other engineer provided by this Act."

Adopted.

Amend section seven, by inserting, after the word "Engineer," in line eleven, the words "and unless said engineer shall make an estimate of the amount of money required to construct such dams or other works, and said plans and specifications, with said estimate, verified by the oath of said engineer, shall have been filed in the office of the Secretary of State."

Adopted.

Also, amend section seven, line seventeen, by inserting the words "and in office of the Secretary of State."

Adopted.

On motion of Mr. Abbott, Senate Bill No. 150 (140 on the file) was withdrawn.

#### VERBAL REPORT—(OUT OF ORDER).

Mr. Boggs verbally reported back, without recommendation, Senate Bill No. 217—An Act to establish an industrial training school in each county, city, or city and county, of the State of California, to provide for its organization, and for maintaining the same.

#### RESOLUTION—(OUT OF ORDER).

Mr. Moffitt had leave to introduce the following resolution:

WHEREAS, The telegraph has brought to our esteemed colleague, Senator P. J. Murphy, the joyous news of the birth of a daughter at his home in San Francisco; and whereas, the Senator feels justly elated at his good fortune, and at his estimable wife's good health; therefore, be it

*Resolved by the Senate of California*, That our congratulations and good wishes be extended to Senator Murphy, and particularly to Mrs. Murphy, and that the recently arrived young lady be bade God speed through life.

The resolution was adopted by a unanimous vote.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By unanimous consent, Mr. Vrooman introduced the following bill: Senate Bill No. 442—An Act to provide for the submission of such proposed amendments to the Constitution of the State as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

On file.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Substitute for Assembly Bill No. 459—An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant.

Substitute for Assembly Bill No. 459, above reported, referred to Committee on Finance.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Jones:

*Resolved*, That the sum of one thousand dollars be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by T. H. McDonald in the contested election case of H. L. Gude vs. T. H. McDonald.

*Resolved*, That the Controller be and he is hereby authorized and instructed to draw his warrant in favor of T. H. McDonald for said sum of one thousand dollars, and the Treasurer of State is hereby instructed to pay the same.

**Referred to Committee on Elections.  
By Mr. Meany:**

*Resolved*, That Luke Kavanaugh be and he is hereby allowed the sum of forty-eight dollars payable out of the Contingent Fund of the Senate, for services rendered the Committee on Claims as stenographer, and the Controller is hereby directed to draw his warrant for said sum.

**Referred to Committee on Attachés, Contingent Expenses, and Mileage.**

**RECESS.**

At six o'clock and thirty minutes P. M. the Senate took a recess until seven o'clock and thirty minutes P. M.

**REASSEMBLED.**

At seven o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, Meany, Patterson, Roth, Sargent, Steele, Sullivan, Walrath, and White.

**Quorum present.**

**Mr. White moved a call of the Senate.**

**So ordered.**

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, Meany, Patterson, Roth, Sargent, Steele, Sullivan, Walrath, and White.

The Sergeant-at-Arms was furnished a list of absentees without leave, and the doors of the Senate closed.

Thereafter the Sergeant-at-Arms appeared at the bar of the Senate, having in charge Senators Spellacy, Pinder, and Crimmins, who were all excused.

Mr. Clunie moved that further proceedings under the call of the Senate be dispensed with.

**So ordered.**

Mr. Clunie moved that the roll of the Senate be called, and that as each Senator's name is called, he have the privilege of calling up for consideration any bill he may see fit to.

**REPORT OF STANDING COMMITTEE.**

**ON ENGROSSMENT.**

SENATE CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Constitutional Amendments Nos. 2 and 145.

DIXON, Chairman.



Mr. Moffitt moved as an amendment to Mr. Clunie's motion, that each member be allowed to call up any one bill of which he is the author.

Mr. Abbott moved, as a substitute, that the Senate proceed with the consideration of Senate Bill No. 51.

Ayes and noes demanded by Messrs. Abbott, Caminetti, and Walrath, and the substitute motion of Mr. Abbott was lost by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Hall, Hinshaw, Jones, Langford, Moffitt, Rose, Roth, Sargent, Vrooman, and Walrath—17.  
 NOES—Messrs. Bowers, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Spellacy, Sullivan, and White—18.

Mr. Patterson, who would have voted "aye," was paired with Mr. McCudden, who would have voted "no."

Mr. Bowers moved the previous question.

Upon the question, "Shall the main question be now put?" a vote was had, and it was so ordered.

The question being upon the amendment offered by Mr. Moffitt.

The ayes and noes were demanded by Messrs. Caminetti, Moffitt, and Walrath, and the amendment was lost by the following vote:

AYES—Messrs. Boggs, Byrnes, Crimmins, Dixon, and Moffitt—5.  
 NOES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—33.

The question recurring upon the motion of Mr. Clunie.

The ayes and noes were demanded by Messrs. Clunie, Chandler, and Walrath, and the motion was lost, not having received the requisite three-fifths vote:

AYES—Messrs. Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Spellacy, Steele, Sullivan, and White—19.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Hall, Jones, Langford, Moffitt, Rose, Roth, Sargent, Vrooman, Walrath, and Wilson—18.

Mr. Patterson, who would have voted "no," was paired with Mr. McCudden, who would have voted "aye."

Whereupon, Mr. Patterson moved that the Senate proceed with the consideration of Senate Bill No. 51, and the Senate so ordered.

#### CONSIDERATION OF SENATE BILL No. 51—(RESUMED).

Mr. Chandler moved to amend, as follows: amend section one, by adding thereto the following: "*provided, also*, that no person or corporation shall have the benefit of this Act unless he or it owns and continues to be the owner of the mines and mining ground worked, or proposed to be worked, by means of such water and water ditches, or the title to the water as provided in this Act, and a cessation of ownership, possession, or control, shall work a forfeiture of all rights, under this Act, except an absolute sale has been made in good faith, and for a valuable consideration."

Mr. Bowers moved the previous question, upon the amendment offered by Mr. Chandler.

Upon the question, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs. Dray, Walrath, and Bowers, and the Senate refused the demand for the previous question by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Conklin, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, and Walrath—16.

NOES—Messrs. Boggs, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hinshaw, Langford, Pinder, Rose, Roth, Sargent, Steele, White, Wilson, and Yell—18.

Mr. Patterson, who would have voted "aye," was paired with Mr. McCudden, who would have voted "no."

The question being upon the amendment of Mr. Chandler.

The ayes and noes were demanded by Messrs. Caminetti, Jones, and Meany.

Mr. Walrath moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell.

On motion of Mr. Caminetti, further proceedings under the call of the Senate were dispensed with.

The ayes and noes having been demanded, the roll was called, and the amendment of Mr. Chandler lost by the following vote:

AYES—Messrs. Boggs, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Langford, Meany, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Wilson—17.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Walrath, White, and Yell—19.

Mr. Patterson, who would have voted "no," was paired with Mr. McCudden, who would have voted "aye."

Mr. Clunie, who would have voted "aye," was paired with Mr. Vrooman, who would have voted "no."

Mr. Clunie moved to amend section five, as follows: add to section five the following: "No corporation shall have or enjoy any rights or benefits under this Act as to carrying on mining or using water for mining purposes, or as to building or using or enjoying the benefit of dams, unless all the members or stockholders of such corporation are bona fide residents and electors of this State."

Mr. Caminetti moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

On motion of Mr. Caminetti, further proceedings under the call were dispensed with.

Pending consideration of Mr. Clunie's amendment, Mr. Goucher moved to take up Assembly messages.

So ordered.

# MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Constitutional Amendment No. 16—Proposed amendment to Article XI of the Constitution, relative to the adoption of charters of cities of over ten thousand inhabitants.

Also, concurred in Senate amendments to Assembly Bill No. 12—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes.

FRANK D. RYAN, Chief Clerk.  
Ed. J. SMITH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 523—An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MARSTON, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 491—An Act to amend section eight hundred and fifty-one of an Act to provide for the organization, incorporation, and government of municipal corporations.

Also, passed Substitute for Assembly Bill No. 232—An Act to provide that in all cities of over ten thousand inhabitants the Mayor or other chief executive shall not be required to act as City Judge or ex officio Judge of the City Court, or as Justice of the Peace, to provide for the abolishment of such City Court, and for the transfer of the business and properties of said City Court to the Justice of the Peace of such cities, and to require such Justice to finish such business, and to repeal all special Acts in conflict herewith.

Also, passed Assembly Bill No. 177—An Act to amend section number nine hundred and seventy-eight of the Code of Civil Procedure, relative to undertakings given on appeal in certain cases, by adding a clause thereto providing for giving an undertaking when the lien of an attachment is sought to be extended.

Also, passed Assembly Bill No. 120—An Act to amend an Act entitled an Act to amend an Act to incorporate the Town of Chico, Butte County, California, approved March 23, 1878.

Also, passed Assembly Bill No. 199—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending section one thousand and forty-six thereof, relating to forming juries in criminal cases.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MARSTON, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Constitutional Amendment No. 16, substituted on file for Senate Constitutional Amendment No. 4, withdrawn.

Assembly Bills Nos. 523 and 494, Substitute for Assembly Bill No. 232, Assembly Bill No. 177, and Assembly Bill No. 199, severally ordered placed on file.

Assembly Bill No. 120, substituted for Senate Bill No. 118 (85 on file).

Consideration of Mr. Clunie's amendment to Senate Bill No. 51 resumed.

Ayes and noes demanded by Messrs. Clunie, Walrath, and Jones, and amendment adopted by the following vote:

AYES—Messrs. Boggs, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Langford, Lenahan, Meany, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Wilson, and Yell—18.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Crimmins, Hall, Haynes, Hinshaw, Jones, McCarthy, McDonald, Moffitt, Murphy, Sargent, Walrath, and White—17.

Mr. Dray moved a call of the Senate.

Ayes and noes demanded by Messrs. Dray, Clunie, and Gesford, and a call of the Senate was ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Hall, McCarthy, Meany, Rose, Roth, Walrath, White, and Wilson—20.

NOES—Messrs. Briceland, Crandall, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McDonald, Moffitt, Murphy, Patterson, Pinder, Sargent, Spellacy, Steele, Sullivan, and Yell—18.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Mr. Bowers moved the previous question.

Ayes and noes demanded by Messrs. Bowers, Meany, and Clunie, and the Senate refused to order the previous question by the following vote:

AYES—Messrs. Bowers, Briceland, Conklin, Lenahan, McCarthy, McDonald, Murphy, Pinder, Sargent, Sullivan, and Yell—11.

NOES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Meany, Moffitt, Patterson, Rose, Roth, Spellacy, Steele, Walrath, White, and Wilson—27.

#### CONSIDERATION OF SENATE BILL No. 51—(RESUMED).

Mr. Chandler offered the following amendment: amend section five, by striking out the words "ten per cent," in line eleven, and insert "twenty-five per cent."

Mr. McCarthy moved the previous question.

Ayes and noes demanded by Messrs. Clunie, Lenahan, and Sargent.

Mr. Dray moved a call of the Senate.

Lost.

On the demand for the previous question, the roll was called, and the previous question was ordered by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Hall, Jones, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Patterson, Pinder, Spellacy, Sullivan, Walrath, and Wilson—20.

NOES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, Meany, Rose, Roth, Sargent, Steele, White, and Yell—18.

On Mr. Chandler's amendment, the ayes and noes were demanded by Messrs. Clunie, Walrath, and Chandler, and the amendment was rejected by the following vote:

AYES—Messrs. Boggs, Chandler, Crandall, Dixon, Dray, Gesford, Langford, Pinder, Rose, Roth, Sargent, Steele, Sullivan, White, Wilson, and Yell—16.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Spellacy, and Walrath—20.

Mr. Patterson, who would have voted "no," was paired with Mr. McCudden, who would have voted "aye."

Mr. Clunie, who would have voted "aye," was paired with Mr. Vrooman, who would have voted "no."



Upon the question, "Shall the bill be ordered engrossed, and to a third reading?"

The roll was called, and it was so ordered by the following vote:

AYES—MESSRS. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Sargent, Walrath, and White—20.

NOES—MESSRS. Boggs, Chandler, Crandall, Dixon, Dray, Gesford, Hinshaw, Langford, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Wilson, and Yell—16.

Mr. Clunie, who would have voted "no," was paired with Mr. Vrooman, who would have voted "aye."

Mr. Patterson, who would have voted "aye," was paired with Mr. McCudden, who would have voted "no."

#### MOTION.

Mr. Clunie moved that the roll be called, and as each Senator's name is called he be permitted to name a bill which shall be taken up for consideration.

Mr. Moffitt moved an amendment, to the effect that each Senator be permitted to take up a bill of which he is the author.

Lost.

Mr. Rose moved, as an amendment to Mr. Clunie's motion, that the roll be called from the last name on the roll call.

Mr. Caminetti moved, as a substitute, that fifty bills on the Special File for first reading be considered in their order.

Mr. Boggs moved to adjourn.

Lost.

Ayes and noes demanded on Mr. Caminetti's motion, by Messrs. Jones, Meany, and Caminetti, and the motion was lost by the following vote:

AYES—MESSRS. Caminetti, Jones, Langford, Meany, and Yell—5.

NOES—MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Wilson—32.

Mr. Moffitt moved to adjourn.

Ayes and noes demanded by Messrs. Bowers, Dray, and Rose, and the motion to adjourn was lost by the following vote:

AYES—MESSRS. Boggs, Briceland, Conklin, Crandall, Crimmins, Hall, Haynes, Hinshaw, Jones, Langford, Moffitt, Patterson, Rose, Roth, Sargent, Steele, and Wilson—17.

NOES—MESSRS. Abbott, Bowers, Byrnes, Caminetti, Clunie, Dixon, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Spellacy, Sullivan, White, and Yell—18.

On Mr. Rose's motion to commence at last name on roll call, the ayes and noes were demanded by Messrs. Meany, Moffitt, and Boggs, and the motion prevailed by the following vote:

AYES—MESSRS. Abbott, Bowers, Chandler, Crandall, Crimmins, Dixon, Gesford, Goucher, Jones, McCarthy, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, Wilson, and Yell—23.

NOES—MESSRS. Boggs, Briceland, Byrnes, Caminetti, Clunie, Conklin, Dray, Hall, Haynes, Hinshaw, Langford, Lenahan, Pinder, and Walrath—14.

Under the operation of Mr. Rose's motion, the calling of the roll

was proceeded with, commencing with the name of Mr. Yell, who named Assembly Bill No. 179.

Assembly Bill No. 179—An Act entitled an Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization.

Read first time, and ordered to second reading.

Mr. Wilson named Senate Bill No. 169.

Senate Bill No. 169—An Act to add a new section to the Code of Civil Procedure, relating to the Supreme Court.

Read first time, and ordered to second reading.

Senate Bill No. 56—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents.

Read second time.

Committee amendments, as follows, to Senate Bill No. 56: strike out all parenthesis marks from lines twenty-eight to thirty-five, page two.

Adopted.

Also, strike out words "omission," "error or," line seventy-three, page four.

Adopted.

Also, strike out words "and may," line fifty-eight, page three.

Adopted.

Also, strike out the words "and may," in line one hundred and twenty-five, in section five.

Adopted.

By Mr. Crandall: amend, in line one hundred and three of original bill, one hundred and twenty-four of printed bill: strike out the words "omission" or "or error," in printed bill.

Adopted.

Amend printed bill, page three, line fifty-one, after the words "out of the," insert "income of the;" on same line, after the word "or," insert "of."

Adopted.

Reading concluded at eleven o'clock and fifty-five minutes P. M.

Mr. Walrath named Senate Bill No. 236.

Senate Bill No. 236—An Act entitled "An Act to amend an Act to form agricultural districts, to provide for the organization of agricultural associations, and for the management and control of the same by the State," approved April 15, 1880.

Read first time, and ordered to a second reading.

Senate Bill No. 339—An Act establishing a Court for the investigation of claims against the State of California, defining its jurisdiction, regulating its procedure, and appropriating money therefor.

Read first time, and ordered to second reading.

Mr. Clunie moved that Assembly Bill No. 179 be made the special order for Monday next, at three o'clock P. M.

Ayes and noes demanded by Messrs. Clunie, Goucher, and Meany, and the Senate refused to so order by the following vote:

AYES—Messrs. Abbott, Clunie, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Roth, Spellacy, Sullivan, and Walrath—15.

NOES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Moffitt, Rose, Sargent, Steele, White, Wilson, and Yell—23.

#### LEAVE OF ABSENCE.

Messrs. Conklin and Rose were each granted leave of absence for the remainder of the day's session.

Mr. Wilson moved to adjourn.

Ayes and noes demanded by Messrs. Wilson, Caminetti, and Goucher, and the motion was lost by the following vote:

AYES—Messrs. Bowers, Byrnes, Hall, Haynes, Hinshaw, Langford, Murphy, Wilson, and Yell—9.

NOES—Messrs. Abbott, Caminetti, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Patterson, Pinder, Roth, Sargent, Spellacy, Sullivan, Walrath, and White—23.

Mr. Wilson moved a call of the Senate.

Lost.

Mr. Wilson moved that so much of the resolution as authorizes the taking up of bills on second and third reading be reconsidered.

Ayes and noes demanded by Messrs. Wilson, Abbott, and Caminetti, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Crandall, Crimmins, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Langford, Meany, Moffitt, Patterson, Roth, Sargent, and Wilson—19.

NOES—Messrs. Bowers, Clunie, Goucher, Lenahan, McCarthy, McDonald, Murphy, Pinder, Spellacy, Sullivan, Walrath, White, and Yell—13.

#### ADJOURNMENT.

Mr. Clunie moved to adjourn.

Ayes and noes demanded by Messrs. Clunie, Dray, and Bowers, and the motion to adjourn prevailed by the following vote:

AYES—Messrs. Bowers, Clunie, Dray, Goucher, Haynes, Hinshaw, Langford, McCarthy, Moffitt, Patterson, Pinder, Sargent, Sullivan, Walrath, Wilson, and Yell—17.

NOES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Crandall, Crimmins, Dixon, Gesford, Jones, Lenahan, McDonald, Meany, Murphy, Roth, Spellacy, and White—16.

Thereupon, at twelve o'clock and forty-five minutes A. M. the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Monday, February 28, 1887. }

The Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Reading of Journal dispensed with, and approval of same postponed until seven o'clock and thirty minutes p. m.

#### MOTION.

On motion of Mr. Conklin, Senate Bill No. 193 (37 on General File) was taken up, out of order.

Senate Bill No. 193—An Act to amend section two hundred and sixty-one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the crime of rape.

Read second time, and committee amendment, striking out, in section one, the word "fifteen," and inserting, in lieu thereof, the word "fourteen," adopted.

So amended, the bill was ordered engrossed, and to a third reading.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 311, 319, 310, 312, 51, and 39.

SPELLACY, Chairman.

Mr. Goucher moved to take up Assembly messages.

So ordered.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 117—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

FRANK D. RYAN, Chief Clerk.  
Per F. J. BRANDON, Assistant Clerk.

Assembly Bill No. 117, above reported, read first time and ordered to Special File.

#### REPORT OF STANDING COMMITTEE.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 340—Entitled an Act to amend an Act entitled "An Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums," approved March 3, 1885, by adding a new section thereto.

ROTH, Chairman.

#### MOTIONS.

Mr. Bowers moved to take up, out of order, Assembly Bill No. 78.  
So ordered.

Assembly Bill No. 78—An Act to provide an additional Judge of the Superior Court of the County of San Bernardino.

Read second time, ordered engrossed, and to a third reading.

Mr. McCudden moved to take up, out of order, Senate Bill No. 273.



So ordered.

Senate Bill No. 273—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VII, thereof, to be known as section one thousand three hundred and eighty-nine, for the prevention of minors being employed by telephone companies or special delivery companies to deliver notes or messages to houses of prostitution or places of questionable repute.

Read second time, ordered engrossed, and to a third reading.

Mr. Vrooman moved to take up, out of order, Senate Bills Nos. 157 and 292.

Mr. Sullivan moved to amend, by also taking up Senate Bill No. 69. Amendment accepted, and the motion, so amended, adopted.

Senate Bill No. 292—An Act to amend section three thousand three hundred and sixty of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to damages in cases of libel or slander.

Ordered engrossed, and to a third reading.

Senate Bill No. 69—An Act to create and maintain a relief and pension fund in the police department of all cities in this State having a police force of ten or more members, and to provide for the administration of such fund.

Read second time, and amendments considered.

By the committee: strike out the words "not approved," on line five, from bottom of page one, and insert "prohibited."

Adopted.

By Mr. Crandall: amend section one, line three, by striking out the word "ten," and inserting the word "fifty."

Mr. White moved to amend the amendment, by inserting the words "one hundred."

Amendment accepted and adopted.

By Mr. Sullivan: amend section three, as follows: strike out the words "three hundred dollars, nor exceeding."

Adopted.

By Mr. White: amend section three, as follows: by striking out the words "by age."

Adopted.

By committee: amend section three, subdivision one, as follows: strike out "or who has died," on line twenty-three, page two.

Adopted.

Also, by committee: strike out the word "full," line three, from bottom of page two.

Adopted.

Also, by committee: strike out of line five, page three, the word "full."

Adopted.

By Mr. White: amend, by striking out of subdivision four, page three, the words "by age."

Adopted.

So amended, Senate Bill No. 69 was ordered engrossed, and to a third reading.

Senate Bill No. 157—An Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and thirty of an Act entitled "An Act to establish a Political

Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Read second time.

Amendments considered, as follows: Title amended as follows: by inserting "and two thousand five hundred and forty-five and two thousand five hundred and fifty-two."

Adopted.

Section one, as follows: by inserting, in line three of printed bill, before the word "the," the words "section two thousand five hundred and twenty-two."

Adopted.

Also, section five, amended to read as follows:

Section two thousand five hundred and forty-five is amended to read:

No person shall be appointed to any office by virtue of this article, nor be employed in the service of the Board, unless he be a qualified elector of the State. Nor shall any person be so appointed or employed who is interested in any vessel sailing or plying in and out of or on the inland waters of the Bay of San Francisco as owner, mortgagee, or otherwise, or as a stockholder, in any company owning such vessels, or who is the consignee, the general or freight agent, or manager of any such vessels, or agent, or other employé of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore in loading and discharging such vessels. No person not a citizen of the United States shall be employed either as a contractor or laborer on any work done under this article, and eight hours shall constitute a legal day's work, whether performed directly for the State or for the person or persons receiving contract under this article.

Adopted.

Section six: amend section two thousand five hundred and fifty-two of the Political Code, so that it will read as follows:

Section 2552. The monthly salaries of the officers of the Board shall be as follows: The President, three hundred dollars; each of the other two Commissioners, two hundred and fifty dollars; Secretary, two hundred dollars; the Assistant Secretary, one hundred and fifty dollars; the Attorney, two hundred dollars; the Chief Wharfinger, two hundred and fifty dollars; the Wharfingers, one hundred and twenty-five dollars; and the Collectors, one hundred dollars. The Board must fix the compensation of the other employes. No ex officio officer nor consulting engineer shall receive any compensation except traveling and other incidental expenses.

Adopted.

So amended, Senate Bill No. 157, ordered engrossed, and to a third reading, and made the special order for to-morrow, immediately after reading of the Journal.

#### MOTIONS.

Mr. Wilson, on behalf of himself and other Senators, moved to take up, out of order, the following bills, viz.: Assembly Bills Nos. 10, 9, 8, 29, 44, 79, 135, 523, 138, and 199; also, Senate Bills Nos. 289, 91, 214, 236, 37, 186, 232, 297, 50, 179, 50, 228, 206, 103, 374, 134, 385, and 418.

Mr. Clunie moved, as a substitute, that the Senate proceed with the regular order of business.

#### PREVIOUS QUESTION.

Mr. White demanded the previous question.

Upon the question, "Shall the main question be now put?" a vote was taken, and it was so ordered.

The question being upon Mr. Clunie's substitute motion, the same was adopted.

By unanimous consent, the following message from the Governor was taken up and considered:

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., February 28, 1887. }

*To the Senate of California:*

I have to inform your honorable body that I have, this day, made the following appointments of Port Wardens for the Port and Harbor of San Francisco, and ask that the Senate consent to the same, to wit:

Otto Luders, of the City and County of San Francisco, for the term of four years, to succeed himself, term expired.

George Wilson, of the City and County of San Francisco, for the term of four years, vice George Cummings, term expired.

Charles B. Smith, of San Joaquin County, for the term of four years, vice Charles Thorn, term expired.

WASHINGTON BARTLETT, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of Otto Luders, of San Francisco, as Port Warden of the Port and Harbor of San Francisco, for the term of four years, vice himself, term expired?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—37.

NOES—None.

Whereupon, the President announced the appointment of Otto Luders, as Port Warden, as aforesaid, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Geo. Wilson, of the City and County of San Francisco, as Port Warden of the Port and Harbor of San Francisco, for the term of four years, vice George Cummings, term expired?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—None.

Whereupon, the President announced the appointment of George Wilson, as Port Warden, as aforesaid, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Charles B. Smith, of San Joaquin County, as Port Warden for the Port of San Francisco, for the term of four years, vice Charles Thorn, term expired?"

The roll was called, with the following result:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—35.

NOES—None.

Whereupon, the President announced the appointment of Charles B. Smith, as Port Warden, as aforesaid, duly confirmed.

## NOTICE—(OUT OF ORDER).

Mr. Moffitt, by consent, gave notice that, on to-morrow, at four o'clock P. M., he would move an adjournment of the Senate, in order to afford the Finance Committee time to consider the Appropriation Bill.

## RESOLUTION—(OUT OF ORDER).

Mr. Sullivan, by consent, introduced the following resolution:

*Resolved*, That Assembly Bills Nos. 256, 258, and 262, on the General File, and numbered thereon respectively 261, 262, and 275, be and the same are hereby ordered placed on the Special File; also, Senate Bill No. 186, Assembly Bill No. 10, and Senate Bills Nos. 110 and 111.

## SPECIAL ORDER.

Assembly Bill No. 13—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. eighteen hundred and eighty, entitled an Act to define, regulate, and govern State Prisons of California.

Mr. Jones moved an amendment to section twenty-one, as follows: amend section twenty-one of said Chapter LXXI, so as to read as follows:

All convicts not employed in jute mills may be employed by the authority of the Board of Directors, under charge of the Wardens, in the manufacture of such articles only as shall be necessary for the use of the prisoners in either prison, and for prison improvements, or for persons supported in public institutions at the expense of the State of California, or in the manufacture and hewing of stone for the use of the State in the erection and repair of State public works only, or where the labor done competes only with foreign labor on imported stone and granite; and no article except jute goods or stone competing with foreign labor on imported stone only, shall be manufactured in any prison or by any prisoner or convict laborer of this State, to be sold in this or any market, or to any one for the benefit of the State; and the Board of Directors are hereby authorized to purchase, from time to time, such tools, machinery, raw jute goods, or for hewing stone or granite, and to employ, and to direct the employment of such skilled foremen as shall be necessary to carry out the provisions of this section, and to sell the articles manufactured from jute, and all jute bags or sacks, for cash. No sacks shall be furnished unless upon application, signed by the person ordering. All orders (applications) shall be filed as soon as received, and filled in the order of filing; *provided*, that on and after the twenty-first day of June, of each year, orders may be filled without limitation until the first day of August, and it shall be the duty of the Board of Directors and Wardens to carry over until the twenty-first day of June of each year as much of the stock of grain bags as the condition of the Jute Revolving Fund will allow, and to give preference to the applications of actual consumers, from said date until August first next. No bags or sacks shall be sold unless actually manufactured at the time of such sale. The money received from the sale of articles sold, under the provisions of this chapter over and except expenses of manufacturing said goods, shall be paid into the State Treasury by the Warden of the prison, to the credit of the Revolving Jute Fund of said prison. When in the judgment of the Board of Prison Directors the supply of manufactured jute goods, other than bags or sacks, shall become too large, they shall sell by public auction, for cash, after having given notice of such sale by advertising the time and place thereof, together with a list of articles to be sold, in ten consecutive issues of two daily newspapers of general circulation published in the County and City of San Francisco.

Adopted.

Pending further consideration of the bill, Mr. Boggs having exhausted his time in speaking to the question before the Senate, on motion of Mr. Abbott, Mr. Boggs was allowed three minutes further time to conclude his remarks in.

Mr. Wilson demanded the previous question.

Upon the question, "Shall the main question be now put?" a vote was taken, and it was so ordered.

Mr. Lenahan moved a call of the Senate.



So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

#### LEAVE OF ABSENCE.

Mr. Murphy was granted leave of absence for one day.

On the adoption of Mr. Jones' amendment, the ayes and noes were demanded by Messrs. Clunie, Moffitt, and McCarthy, and the amendment was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Haynes, Hinshaw, Jones, McCudden, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Wilson, and Yell—22.

NOES—Messrs. Bowers, Clunie, Crimmins, Goucher, Hall, Lenahan, McCarthy, McDonald, Moffitt, Pinder, Spellacy, Sullivan, Walrath, and White—14.

Mr. Langford, who would have voted "aye," was paired with Mr. Gesford, who would have voted "no."

The question arising, as to what extent the previous question applied, the Chair ruled that the previous question only extended to the amendment of Mr. Jones.

Upon the question, "Shall the bill, viz.: Assembly Bill No. 13, be read a third time?"

The ayes and noes were demanded by Messrs. McCarthy, Clunie, and Abbott, and a third reading refused by the Senate by the following vote:

AYES—Messrs. Boggs, Caminetti, Clunie, Crimmins, Goucher, Hall, Jones, Lenahan, McCudden, McDonald, Moffitt, Pinder, Sargent, Sullivan, Walrath, White, Wilson, and Yell—18.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Crandall, Dixon, Dray, Haynes, Hinshaw, Langford, McCarthy, Meany, Patterson, Rose, Roth, Spellacy, Steele, and Vrooman—19.

#### RECESS.

At six o'clock and ten minutes P. M. the Senate took a recess until seven o'clock and thirty minutes P. M.

#### REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Murphy, Pinder, Sargent, Spellacy, Walrath, White, and Yell.

#### MOTION.

On motion of Mr. Clunie, Assembly Constitutional Amendment No. 2 was ordered referred to the Committee on Constitutional Amendments.

## NOTICE OF MOTION TO RECONSIDER.

Mr. McCarthy gave notice that he would, on to-morrow, move a reconsideration of the vote whereby Assembly Bill No. 13 was refused a third reading.

## SECOND SPECIAL ORDER.

Senate Bill No. 67—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers and gripmen, and to amend section three thousand two hundred and forty-four of said Code.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Dixon, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Pinder, Roth, Sargent, Spellacy, Sullivan, Walrath, White, Wilson, and Yell—28.  
 NOES—Messrs. Conklin, Crandall, Hinshaw, Langford, and Steele—5.

Title read and approved.

## SPECIAL FILE—THIRD READING.

Senate Bill No. 342—An Act authorizing the incurring of indebtedness by cities incorporated under the laws of this State.

Mr. White moved to commit said bill to a select committee, to consist of Mr. Crandall, with special instructions, as follows:

So ordered.

Section two, line one, strike out the word "Government," and insert the words "town or municipal corporation;" line five, after the words "water rights," insert "bridges;" line seven, strike out "five days or once a week;" line eight, make "paper" read "newspaper;" line eight, after word "corporation," insert, "and at the next regular meeting after such publication, or at an adjourned meeting thereof;" line eight, after word ordinance, insert, "passed by a vote of three fourths of all its members, and also approved by the said executor."

Also, strike out of section two, lines thirteen and fourteen, the words "that the plans and specifications of the improvement proposed is filed in the office of City Engineer, or other officer of the city, town, or municipal corporation."

Also, by striking out the words "three fourths," in lines ten and eleven, section three, and inserting, in lieu thereof, the words "two thirds."

Also, section three, lines five, six, and seven, strike out the words "representing each political party, if such political party be represented by a newspaper so published, and if not, then in some weekly newspaper so published; and if not, then in some weekly newspaper for three weeks."

Section three, line four, strike out "eight days," and insert "two weeks."

Section two, line nine, after the words "said city," insert, "town or municipal corporation."

## REPORT OF SELECT COMMITTEE.

MR. PRESIDENT: The special committee to whom was referred Senate Bill No. 342, with special instructions, return the same, and report that said instructions have been complied with.

A. W. CRANDALL, Special Committee.

Report adopted, and bill ordered reëngrossed, and printed.

Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880.

Mr. White moved to commit said bill to a select committee of one, to consist of Mr. Boggs, with instructions to amend the bill, by striking out all of section eight, after the word "proper."

So ordered.

Mr. Boggs verbally reported back Senate Bill No. 145, amended, in accordance with the order of the Senate.

Report adopted, and bill ordered reëngrossed, and printed.

Senate Bill No. 312—An Act to appropriate money for the preservation and improvement of Yosemite Valley and the Mariposa Big Tree Grove.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, Wilson, and Yell—33.

NOES—Mr. Haynes—1.

Title read and approved.

Senate Bill No. 319—An Act to provide a water supply for the hotel constructed in Yosemite Valley under Act of March 9, 1885, and to appropriate money therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—33.

NOES—Mr. Yell—1.

Title read and approved.

Senate Bill No. 311—An Act to aid the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, and to appropriate money therefor.

Mr. Goucher moved to refer said bill to a select committee, to consist of Mr. Meany, with special instructions to amend, as follows: strike out the words "as such," in line eleven, of section one.

So ordered.

## REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your special committee, to whom was referred Substitute for Senate Bill No. 311, has complied with the special instructions of the Senate, by striking out the words "as such," in line eleven, of section one.

A. J. MEANY, Special Committee.

Report adopted, and bill ordered reëngrossed.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Caminetti gave notice that he would, on to-morrow, move a reconsideration of the vote whereby the Senate passed Senate Bill No. 312.

## SPECIAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 310—An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonnell, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell—33.

NOES—None.

## REPORT—(OUT OF ORDER).

By Mr. Yell:

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your Committee on Constitutional Amendments beg leave to report back Assembly Constitutional Amendment No. 2, with a recommendation that it do pass, as amended.

YELL, Chairman.

## SPECIAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 39—An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 13, 1878.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Steele, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Assembly Bill No. 119—An Act to amend section five hundred and fourteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the salary of the deputy for the Superintendent of Public Instruction, and equalizing the same with the salaries paid the deputies for other State officers.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Pinder, Rose, Roth, Sargent, Steele, Walrath, White, Wilson, and Yell—30.

NOES—Mr. Murphy—1.

Title read and approved.

Mr. Clunie stated that a mistake had been discovered in the roll call, whereby Assembly Bill No. 13 was refused a third reading, and moved that a new roll call be had, with the view of correcting such mistake.

Mr. Crandall interposed the point of order that the roll call on Assembly Bill No. 13 could not be corrected until after the vote whereby said bill was refused a third reading be reconsidered.



The Chair ruled the point of order well taken.

Mr. Clunie moved a reconsideration of the vote whereby Assembly Bill No. 13 was refused a third reading.

Mr. Meany moved a call of the Senate.

Lost.

Mr. Crandall moved to proceed with the regular order of business.

Ayes and noes demanded by Messrs. Crandall, Clunie, and Meany, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dixon, Hall, Haynes, Hinshaw, Jones, McDonald, Patterson, Rose, Roth, Steele, Walrath, and Wilson—19.

NOES—Messrs. Chandler, Clunie, Crimmins, Gesford, Goucher, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Sullivan, and White—17.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 442—An Act to provide for the submission of such proposed amendments to the Constitution of the State as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California at the session beginning January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

Read second time, ordered engrossed, and to a third reading.

Mr. Clunie renewed his motion to correct the roll call on Assembly Bill No. 13.

Mr. Caminetti raised the point of order that the motion should be made under the order of business, "Motions, Resolutions, and Notices," and that such motion is out of order until a suspension of the rules is ordered.

The Chair ruled the point of order well taken.

Mr. Clunie appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Clunie, Caminetti, and Meany, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Haynes, Hinshaw, Jones, Langford, Patterson, Rose, Steele, Walrath, Wilson, and Yell—20.

NOES—Messrs. Clunie, Gesford, Goucher, Hall, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, and White—17.

Assembly Bill No. 271 passed on file.

Assembly Bill No. 464 referred to Committee on Finance.

Mr. Gesford announced that if he was recorded as having been paired with any one on the roll call on Assembly Bill No. 13, the roll call was wrong.

Mr. Moffitt moved that said roll call be now corrected.

Mr. Abbott raised the point of order, that Mr. Moffitt's motion was out of order, the same having been ruled upon by the Chair.

The Chair sustained the point of order.

Mr. Moffitt appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Moffitt, Meany, and Abbott, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Haynes, Hinshaw, Jones, Langford, Patterson, Rose, Steele, Walrath, and Yell—18.

NOES—Messrs. Clunie, Dixon, Dray, Gesford, Goucher, Hall, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Sullivan, and White—18.

The Chair casting the deciding vote.

Mr. Clunie moved a call of the Senate.

Ayes and noes demanded by Messrs. Clunie, Moffitt, and Meany, and the Senate refused a call of the Senate by the following vote:

AYES—Messrs. Chandler, Clunie, Conklin, Dray, Gesford, Hall, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, and Spellacy—16.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Crandall, Crimmins, Dixon, Goucher, Haynes, Hinshaw, Jones, Langford, McDonald, Patterson, Rose, Steele, Sullivan, Walrath, White, and Yell—22.

Mr. Clunie moved a suspension of the rules, for the purpose of correcting the roll call on Assembly Bill No. 13.

Ayes and noes demanded by Messrs. Clunie, Moffitt, and McCarthy, and the motion prevailed by the following vote:

AYES—Messrs. Bowers, Caminetti, Chandler, Clunie, Dixon, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, White, and Yell—22.

NOES—Messrs. Abbott, Boggs, Briceland, Byrnes, Conklin, Crandall, Crimmins, Haynes, Hinshaw, Langford, Patterson, Rose, Steele, and Walrath—14.

Mr. Patterson in the chair.

Mr. Clunie moved to recall the roll on Assembly Bill No. 13.

So ordered.

Whereupon, the roll was called, and the bill ordered to a third reading by the following vote:

AYES—Messrs. Clunie, Crimmins, Gesford, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Sullivan, White, and Yell—19.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Dixon, Haynes, Hinshaw, Langford, Patterson, Rose, Roth, Steele, and Wilson—17.

Senate Bill No. 311, as amended, passed on file, and ordered printed.

Mr. Caminetti withdrew his notice of motion to reconsider Senate Bill No. 312.

#### SPECIAL FILE—FIRST READING.

Senate Constitutional Amendment No. 2—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

Mr. Yell moved a call of the Senate.

#### LEAVE OF ABSENCE.

Mr. Vrooman was granted one day's leave of absence.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

On motion of Mr. Yell, further proceedings under the call were dispensed with.

### CONSTITUTIONAL AMENDMENT.

TO PROPOSE TO THE PEOPLE OF THE STATE AN AMENDMENT TO THE CONSTITUTION OF THE STATE, RELATIVE TO THE JUDICIARY DEPARTMENT.

*Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. one thousand eight hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections two, three, and seventeen, of article six, of the Constitution of said State, be amended so as to read as follows:*

Section 2. The Supreme Court shall consist of seven Justices. The Chief Justice and Associate Justices of the Supreme Court, in office at the time of the adoption of this amendment to the Constitution, are hereby continued in office as Chief Justice and Justices of the Supreme Court for the remainder of the terms to which they were respectively elected. When the first vacancy occurs in the office of Chief Justice, the Justices shall elect one of their number to be Chief Justice, and he shall hold the office of Chief Justice of said Court for the same term that he was elected or appointed Justice. An entry of the election of such Chief Justice shall be made in the minutes of the Court and signed by four Justices. Whenever thereafter a vacancy occurs in the office of Chief Justice, a like election shall be had to fill such office, and the Justice so elected shall be Chief Justice for the remainder of his term. The Supreme Court may sit in departments or in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Justices to each department, and such assignment may be changed by him from time to time. The Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in bank. The presence of three Justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of two Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when so convened. The concurrence of four Justices present at the argument shall be necessary to pronounce a judgment in bank; but if four Justices, so present, do not concur in a judgment, then all the Justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four Judges shall be necessary. In the determination of causes all decisions of the Court in bank, or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the Justices assigned to each department shall select one of their number as presiding Justice. In case of the absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act. The Supreme Court Commission, created by the Act of the Legislature approved March twelfth, eighteen hundred and eighty-five, shall continue and be a Supreme Court Commission for four years after the adoption of this amendment. The members thereof and Secretary shall be appointed as in said Act provided; and such Commissioners shall be subject to removal in like manner as Judges of the Supreme Court. Said Commission shall have the same power to hear and determine causes possessed by a department of the Supreme Court; and causes may be assigned to the Commission in the same manner they are assigned to a department, and after decision they may be ordered heard in bank in the same way and with like restrictions as if decided in department. The judgments of the Commission shall be entered as the judgments of the Court. The Commission shall sit at such times and places as may be designated by the Court, but such Commissioners shall not exercise any judicial functions except when assembled as a Commission, and then they shall only have power to hear and determine such causes as may have been assigned to them.

Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at large, at the general State elections, and the times and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election. Three Justices shall be elected for the full term at the general State election held in eighteen hundred and



ninety; and at the general election held every fourth year thereafter, two Justices shall be elected for full terms of twelve years, except that in every twelfth year thereafter three Justices shall be elected for full terms. If the Chief Justice, or any Justice, becomes permanently disqualified, either mentally or physically, to perform the duties of his office, and such fact is certified to the Governor by five Justices, one of whom may be the Chief Justice in case of the disability of a Justice, the office of said disqualified person becomes immediately vacant, and he shall be paid a retiring salary of two hundred and fifty (250) dollars per month for the remainder of his term. If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office for the remainder of the unexpired term. If a vacancy occur in the office of Chief Justice, before the expiration of the term of the present incumbent, the Governor shall appoint a Justice to hold office as Justice until the first Monday of January, eighteen hundred and ninety-one.

Section 17. The Justices of the Supreme Court, and Judges of the Superior Court, shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salary of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. The annual salaries of the Justices of the Supreme Court shall be seven thousand five hundred dollars (\$7,500) each, and the Supreme Court Commissioners six thousand (\$6,000) dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the Counties of Alameda, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, San Diego, San Bernardino, Colusa, and Tehama, who shall receive five thousand dollars, and the Judges of the Counties of Sonoma and San Joaquin shall receive four thousand dollars each.

The roll was called upon Senate Constitutional Amendment No. 2, and the same was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Menny, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell 38.

NOES—None.

Senate Bill No. 437—An Act to amend section two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to preventing the bringing into the State persons affected with leprosy or insanity, or such other persons as by reason of their condition are liable to become a charge upon the State, and to provide for the deportation of the same.

Read first time.

Assembly Constitutional Amendment No. 16—Proposed amendment to Article XI of the Constitution, relative to the adoption of charters of cities of over fifty thousand inhabitants.

Amended, and ordered printed.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

Also, Senate Bill No. 89—An Act to appropriate money for the support of the California Home for the Care and Training of Feeble-Minded Children, from the first day of January, eighteen hundred and eighty-seven, to the first day of July, eighteen hundred and eighty-seven.

Also, Assembly Bill No. 111—An Act to appropriate money to pay the claim of W. T. Brown, or his executors or administrators.

Also, Assembly Bill No. 112—An Act to appropriate money to pay the claim of R. F. Del Valle.



Also, Assembly Bill No. 113—An Act to appropriate money to pay the claim of B. F. Langford.

Also, Assembly Bill No. 114—An Act to appropriate money to pay the claim of Benj. Knight.

Also, Assembly Bill No. 115—An Act to appropriate money to pay the claim of E. T. Wilkins.

Severally read the first time.

Mr. Jones moved to take up Assembly messages, for the purpose of taking up Assembly Bill No. 16, reading the same the first time, and placing the bill on the Special File.

Lost.

#### SPECIAL FILE—FIRST READING—(RESUMED).

Senate Bill No. 234—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Read first time.

Assembly Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to the Constitution of the State, relative to irrigation—was made the special order for to-morrow, at three o'clock P. M.

Mr. Meany moved that Senate Bill No. 125 (138 on file) be withdrawn, and Senate Bill No. 199 be substituted therefor.

So ordered.

Assembly Constitutional Amendment No. 13—A resolution to propose an amendment to section fifteen, of Article IV, of the Constitution, relating to the Legislative Department.

Mr. White moved to amend, by inserting, after the word "unless," which follows the word "house," on page two, line four, printed bill, the words, "in case of urgency."

Adopted.

Also, by striking out the words "and second," on line six, page two.

Adopted.

Also, by striking out the letter "s" from the word "reading," line seven, page two, printed bill.

#### MOTION TO ADJOURN.

Mr. Gesford moved to adjourn.

Lost.

Mr. Clunie moved a call of the Senate.

Ayes and noes demanded by Messrs. Clunie, Yell, and Pinder, and the Senate refused to adjourn by the following vote:

AYES—MESSRS. Abbott, Boggs, Byrnes, Caminetti, Chandler, Clunie, Dixon, Dray, Gesford, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, and White—18.

NOES—MESSRS. Bowers, Briceland, Crandall, Goucher, Hall, Haynes, Hinshaw, Langford, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, Wilson, and Yell—18.

The Chair casting the deciding vote.

Mr. Gesford moved to adjourn.

Lost.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:  
Senate Bill No. 193.

SPELLACY, Chairman.

Mr. McCarthy withdrew his notice of a motion to reconsider the vote whereby the Senate refused to order to a third reading Assembly Bill No. 13, the Senate having subsequently reversed its action on said bill, by ordering the same to third reading.

Mr. White moved to place Senate Bill No. 56 on the Special File for to-morrow.

So ordered.

Mr. Gesford moved to adjourn.

Ayes and noes demanded by Messrs. Meany, Gesford, and Dray, and the Senate refused to adjourn by the following vote:

AYES—Messrs. Boggs, Byrnes, Chandler, Clunie, Crimmins, Dray, Gesford, Hall, Haynes, Hinshaw, McDonald, Meany, Moffitt, Roth, Sargent, and Spellacy—16.

NOES—Messrs. Abbott, Bowers, Briceland, Caminetti, Crandall, Dixon, Jones, Lenahan, McCarthy, McCudden, Murphy, Patterson, Pinder, Steele, Sullivan, Walrath, and White—17.

Mr. Chandler moved to take up Assembly messages.

Mr. Moffitt moved, as an amendment, that all the bills reported in Assembly messages be ordered placed on file.

Mr. Clunie moved, as a substitute, that Assembly messages be taken up, and that Assembly Bills Nos. 8, 9, 10, 29, 16, 135, 50, 179, and 79, be taken up, and considered in the order named.

## REPORT—(OUT OF ORDER).

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 413—An Act for the relief of I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MEANY, Chairman.

Mr. Clunie claimed the floor, in support of his motion to take up certain bills before named.

The Chair ruled that Mr. Clunie, having spoken twice on the subject before the Senate, was not entitled to the floor.

Mr. Clunie appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

## ADJOURNMENT.

At eleven o'clock and twenty minutes P. M., on motion of Mr. Abbott, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
 Tuesday, March 1, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

MESSES. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Meany, Murphy, Patterson, Rose, Roth, Steele, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journal of yesterday read, corrected, and approved.

## REPORTS OF STANDING COMMITTEES.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 273, 292, 56, and 69.

DIXON, Chairman.

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 350—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

GESFORD, Chairman.

## ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 368—Entitled an Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding three new sections thereto, to be known as sections two hundred and ninety-nine, three hundred, and three hundred and one, relating to the observance of Sunday.

Also, sundry petitions accompanying the same.

Also, Assembly Bill No. 80—Entitled an Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered and known as section six hundred and four, providing for the formation of certain religious corporations.

Have had the same under consideration, and respectfully report the same back, without recommendation.

HAYNES, Chairman.

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 393—An Act to authorize the State Board of Harbor Commissioners to construct railroads over State lands within their jurisdiction, along the waterfront line of the City and County of San Francisco, and to regulate the use of same.

Also, Senate Bill No. 391—An Act to provide for and regulate the collection of wharfage, and to abolish the collection of tolls by the Board of State Harbor Commissioners on the waterfront of the City and County of San Francisco.

Also, Senate Bill No. 392—An Act to authorize the Board of State Harbor Commissioners to execute leases of lands belonging to the State within their jurisdiction and control.

Also, Senate Bill No. 156—An Act to amend an Act entitled an Act concerning the waterfront of the City and County of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners, approved March 17, 1880.

Also, Senate Bill No. 316—An Act to amend an Act entitled "An Act to establish a

Political Code," approved March 12, 1872, by adding thereto a new section, to be known as section five hundred and fifty-four, relating to the powers and duties of the State Harbor Commissioners.

Have had the same under consideration, and respectfully report the same back, without recommendation.

SULLIVAN, Chairman.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 62—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 30, 1883.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506—An Act to amend sections seventeen, twenty-five, one hundred and sixty-four, one hundred and sixty-six, one hundred and sixty-seven, one hundred and seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-three, one hundred and ninety-eight, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, relating to the government of counties.

Also, passed Assembly Bill No. 16—An Act to prohibit the sale of prepared opium, opium pipes, or parts thereof.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 193—An Act to amend section three thousand four hundred and forty-nine of the Civil Code of the State of California, approved March 21, 1872, relating to assignments for the benefit of creditors.

Also, Assembly Bill No. 194—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury.

Also, Assembly Bill No. 220—An Act to repeal sections one thousand one hundred and eighty-six and one thousand one hundred and ninety-one, and to amend section one thousand one hundred and eighty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also, Assembly Bill No. 26—An Act to amend sections three hundred and thirty-nine, three hundred and forty-one, and three hundred and forty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning pawnbrokers, their duties and liabilities.

Also, Substitute for Assembly Bill No. 124—An Act to amend section six hundred and twenty-six of the Penal Code, relative to fish and game.

Also, Senate Bill No. 23—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to Special Orders No. Twenty-six, series eighteen hundred and eighty, issued from General Headquarters.

Also, Assembly Bill No. 148—An Act to amend sections one, five, six, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Also, Assembly Bill No. 50—An Act to amend section five hundred and thirty-two of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the crime of obtaining money and property under false pretenses.

Also, Assembly Bill No. 175—An Act to amend section three thousand five hundred and two of the Political Code, relating to school land warrants.

Also, Assembly Bill No. 391—An Act to amend sections two thousand six hundred and eighty-two, two thousand six hundred and eighty-five, two thousand six hundred and eighty-nine, two thousand six hundred and ninety, and two thousand six hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to roads and highways.

Also, Assembly Bill No. 105—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and twenty-nine, one thousand nine hundred



and ninety, two thousand and twenty-two, two thousand and twenty-six, and two thousand and ninety-four, and to add a new section, to be known as section two thousand and twenty-seven, of the Political Code, relating to the State militia.

Also, Assembly Bill No. 81—An Act in relation to the compensation of the Mayor and members of the Common Council of cities containing a population not exceeding ten thousand.

Also, Senate Bill No. 107—An Act to increase the number of Judges of the Superior Court of the County of Tulare, State of California, and for the appointment of an additional Judge, with amendments, and most respectfully ask the Senate to concur in the amendments.

Also, Assembly Bill No. 21—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

Also, Assembly Bill No. 390—An Act to appropriate money for the erection of a monument at the grave of J. W. Marshall, deceased, the discoverer of gold in California.

Also, Assembly Bill No. 227—An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by adding thereto a new section, to be known as section two thousand six hundred and ninety-six, relating to proceedings for procuring land for the purpose of raising the banks of streams, in order to more effectually protect public roads and highways.

Also, Assembly Bill No. 287—An Act to provide for the organization and government of water districts, and to provide for the acquisition, control, and distribution of water for irrigation.

Also, Assembly Bill No. 532—An Act to prevent the introduction of any obnoxious or pest animal into the State of California.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### BILLS WITHDRAWN.

Senate Bill No. 13 withdrawn, at request of Mr. Bowers.

Senate Bill No. 263 withdrawn, at request of Mr. Gesford.

Senate Bill No. 16 withdrawn, at request of Mr. Jones.

Senate Bill No. 365 withdrawn, at request of Mr. Gesford.

Senate Bill No. 411 withdrawn, at request of Mr. Conklin.

Senate Bill No. 91 withdrawn, at request of Mr. Dray.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, CAL., March 1, 1887. }

*To the Senate of California:*

I have the honor to inform your honorable body that I have, this day, appointed the following named persons Trustees of the "California Home for the Care and Training of Feeble-Minded Children," and ask that the Senate consent to the same, viz.:

Mrs. Kate B. Lathrop, of the City and County of San Francisco, for the term of four years, to succeed herself.

Abram Block, of Santa Clara County, for the term of four years, vice Mrs. Caroline F. Bigelow, term expired.

Mrs. Julia M. Judah, of the County of San Mateo, for the term of four years, vice Mrs. Electa Hartson, term expired.

WASHINGTON BARTLETT, Governor.

Consideration of the Governor's message proceeded with.

Upon the question, "Will the Senate advise and consent to the appointment of Mrs. Kate B. Lathrop, of the City and County of San Francisco, as Trustee of the California Home for the Care and Training of Feeble-Minded Children, for the term of four years, to succeed herself?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—35.  
NOES—None.

Whereupon, the President announced the appointment of Mrs. Kate B. Lathrop, as Trustee, as aforesaid, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Abram Block, of Santa Clara County, as Trustee of the California Home for the Care and Training of Feeble-Minded Children, for the term of four years, vice Mrs. Caroline F. Bigelow, term expired?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Yell—32.

NOES—None.

Whereupon, the President announced the appointment of Mr. Abram Block, as Trustee, as aforesaid, duly confirmed.

Upon the question, "Will the Senate consent to the appointment of Mrs. Julia M. Judah, of the County of San Mateo, as Trustee of the California Home for the Care and Training of Feeble-Minded Children, for the term of four years, vice Mrs. Electa Hartson, term expired?"

The roll was called, with the following result:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—32.

NOES—None.

Whereupon, the President announced the appointment of Mrs. Julia M. Judah, as Trustee, as aforesaid, duly confirmed.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Substitute for Assembly Bills Nos. 223, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506, referred to Committee on Counties, County Government, and Township Organization.

Assembly Bills Nos. 16 and 81 severally referred to Committee on City, City and County, and Town Governments.

Assembly Bills Nos. 193, 194, 220, and 26, substituted for Assembly Bill No. 124, and Senate Bill No. 107, severally referred to Committee on Judiciary.

Assembly Bill No. 124 referred to Committee on Fish and Game.

Senate Bill No. 23 referred to Committee on Enrollment.

Assembly Bill No. 148 substituted for Senate Bill No. 91 (40 on file).  
Assembly Bill No. 50 placed on file.

Assembly Bill No. 175 referred to Committee on Education.

Assembly Bill No. 39 substituted for Senate Bill No. 365 (219 on file).

Assembly Bill No. 81 substituted for Senate Bill No. 16 (86 on file).

Assembly Bill No. 21—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor—substituted for Senate Bill No. 13, and read first time.

Assembly Bill No. 390 substituted for Senate Bill No. 263.

Assembly Bill No. 227 referred to Committee on Roads and Highways.

Assembly Bill No. 287 referred to Committee on Irrigation and Water Rights.

Assembly Bill No. 532 referred to Committee on Agriculture. Communication, and accompanying resolution, from the Assembly of the State of Nevada.

On motion of Mr. Jones, it was unanimously ordered that the following be received and entered in full in the Journal:

STATE OF NEVADA, LEGISLATIVE DEPARTMENT, }  
ASSEMBLY CHAMBER, CARSON CITY, February 28, 1887. }

*Hon. A. J. Jones, Senate Chamber, Sacramento, Cal.:*

DEAR SIR: I have the honor to hand you herewith a copy of a resolution passed by the Assembly, this day, and I beg to add my own personal acknowledgments to you and through you to your committee, for the favorable consideration which the interests of our people have received at your hands.

I have the honor to remain, sir, your most obedient servant,

A. J. McDONNELL, Speaker.

*Resolved*, That the thanks of this Assembly be and they are hereby tendered to the California Joint Committee appointed to investigate the subject of sawdust in the Truckee River, for their favorable report upon the question, and the Speaker is hereby requested to forward an engrossed copy of this resolution to Senator Jones, Chairman of said committee.

*Resolved*, That the report of said committee, together with California Senate Bill No. 228, be ordered printed, and that the same shall be included in the Appendix to the Assembly Journal.

#### MOTION.

Mr. Chandler moved that Senate Bill No. 265 be taken up, read second time, and placed on Special File.

So ordered.

Senate Bill No. 265—An Act to amend an Act entitled an Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof, approved March 18, 1885, in relation to the salary of officers.

The committee amendment, to strike out all after the word "prescribed," adopted.

Bill read second time, ordered engrossed, to a third reading, and placed on the Special File.

#### MOTION.

Mr. Patterson moved that Senate Bill No. 51 (29 on file) be made a special order for this day, at two o'clock p. m.

Mr. Walrath moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Mr. Vrooman moved to dispense with further proceedings under the call.

So ordered.

Mr. Clunie, as an amendment to Mr. Patterson's motion, moved that Senate Bill No. 69 (34 on file) be also taken up.

Mr. Wilson interposed the point of order, that Mr. Clunie's motion to amend was not germane to the original motion, and therefore in conflict with Rule 13, and out of order.

The Chair decided that the point of order was not well taken.

Mr. Wilson appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Wilson, Bowers, and Meany, and the decision of the Chair was overruled by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Dray, Pinder, Roth, and Spellacy—7.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Patterson, Rose, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.

The question recurring upon the motion of Mr. Patterson.

The ayes and noes were demanded by Messrs. Clunie, Vrooman, and Walrath, and the motion was adopted by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Sargent, Vrooman, Walrath, White, and Wilson—28.

NOES—Messrs. Boggs, Chandler, Clunie, Dray, Gesford, Langford, Roth, Spellacy, Steele, and Sullivan—10.

#### MOTION.

Mr. McCudden moved that Senate Bills Nos. 359 (159 on file), 425 (218 on file), and Assembly Bill No. 134 (217 on file), be made the special order for first reading to-morrow (Wednesday) afternoon, at two o'clock.

Lost.

Mr. Clunie moved to reconsider the vote whereby Senate Bill No. 51 was made the special order.

Mr. Caminetti raised the point of order, that Mr. Clunie's motion was out of order, because, first, he did not vote with the majority; and for the further reason that a special order takes precedence over the file.

The Chair ruled the point of order well taken.

#### SUSPENSION OF THE RULES.

Mr. Dray moved a suspension of the rules, in order to allow Mr. McCudden to take up his bills for first reading.

So ordered.

Whereupon, Mr. McCudden called up the following bills, to wit: Senate Bills Nos. 359, 425, and Assembly Bill No. 134, which were severally read a first time.

Mr. Hall moved to take up Assembly Bill No. 79 (106 on file) for first reading.

So ordered.

Assembly Bill No. 79 read first time.

Mr. Sullivan moved to also take up, for first reading, Senate Bill No. 149 (196 on file).

So ordered.

Senate Bill No. 149 read first time.

Mr. White moved to take up the consideration of the Special File, third reading, and that the hour of recess be extended until said file be disposed of.



So ordered.

SPECIAL FILE—THIRD READING.

Senate Bill No. 311—An Act to aid the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, and to appropriate money therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Sullivan, and White—28.  
NOES—Mr. Steele—1.

Title read and approved.

Senate Bill No. 56—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, of Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, White, Wilson, and Yell—32.  
NOES—None.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 107, has had the same under consideration, and report the same back, with a recommendation that the Senate do not concur in the amendments made to said bill by the Assembly.

CLUNIE, Chairman.

Adopted.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 145.

SPELLACY, Chairman.

SPECIAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 145—An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—29.  
NOES—None.

Title read and approved.

## RECESS.

The Senate took a recess until two o'clock P. M.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—30.

Quorum present.

## LEAVE OF ABSENCE.

Mr. Sargent requested, in his own behalf, leave of absence after this day's session until Friday next, at two o'clock and thirty minutes P. M.  
Request granted.

## RESOLUTION—(OUT OF ORDER).

Mr. Clunie was granted leave to introduce the following resolution:

*Resolved*, That the sum of one thousand six hundred and twenty dollars and thirty cents be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by W. H. Williams in the contested election case of W. H. Williams vs. P. J. Crimmins.

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of W. H. Williams for said sum of one thousand six hundred and twenty dollars and thirty cents, and the State Treasurer is hereby instructed to pay the same.

Resolution referred to Committee on Elections.

## SPECIAL ORDER.

Senate Bill No. 51—An Act to provide for the impounding of mining debris.

Mr. Patterson moved that Substitute for Senate Bill No. 51 be referred to a committee of one, consisting of Senator White, with instructions to amend, by inserting the word "debris" after the word "mining," on line twenty-nine, section five, of the printed bill, and by striking out the words "not carried in suspension by the water," where they occur after the word "debris," in line three, section six, of the printed bill, and that the bill be made the special order for to-morrow, immediately after the reading of the Journal.

Mr. Gesford called for a division of the question.

Mr. Clunie moved an amendment to Mr. Patterson's motion, by adding to the instructions the following amendments.

Mr. Walrath interposed the point of order, that the bill was not subject to amendment.

The Chair ruled the point of order not well taken.

Amendments proposed by Mr. Clunie:

Amend section six, by adding thereto the following: "in any action brought against any such corporation or its stockholders for damages

resulting by reason of the inefficiency of its dams or other works, the plaintiff at the time of filing the complaint may record in the office of the Recorder of the county in which the water ditches, and mines, and mining ground worked by means of such water ditches are situate, a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the said water ditches, and mines, and mining ground. From the time of filing such notice for record any purchaser or incumbrancer of the property described in said notice shall be deemed to have constructive notice of the pendency of the action. In the event judgment is rendered in said action in favor of the plaintiff, the payment of said judgment may be enforced against said water rights, and ditches, and mines, and mining ground, or either, and it shall be a part of the judgment in said action that plaintiff therein has a lien upon all said property for the payment thereof from the time of the filing of said notice in the Recorder's office."

Also, amend section five, by inserting, after the word "purpose," in line twenty, the following words: "no corporation formed under this Act shall have the right to begin the erection of any dam or impounding works until the full amount of money necessary for the complete construction of such dam, provided for and permitted in this Act, or other works, shall have been collected and paid into the treasury of such corporation, and an affidavit to that effect, stating the amount, has been made by the President, Secretary, and Treasurer of such corporation, and filed in the office of the Secretary of State, sufficient to erect such dam and maintain it forever, safe, and capable of restraining all debris to be restrained."

Also, amend section seven, by inserting, after the word "locate," in line eighteen, the words, "which certificate of said engineer shall state that said works have been so constructed as to restrain all the mining debris which will be deposited above the same, and that there is no danger of the breakage or the destruction of said works, which certificate shall be verified by the oath of the engineer."

Also, amend, by adding at the end of section seven, the following words: "*provided, however,* that nothing in this Act contained shall be so construed as to deprive any person or corporation, public or private, of the right to maintain any suit, action, or proceeding at law, or in equity, to protect persons or property from any damage actually sustained or threatened by the construction or proposed construction of any restraining dam."

Also, add to end of section six, the following: "If any execution or any judgment that may be obtained by virtue of anything authorized by this Act shall be returned unsatisfied, in whole or in part, the State of California shall be liable for the amount for which the execution may remain unsatisfied, and the same shall be paid out of any money in the State Treasury not otherwise appropriated."

Also, amend section seven, line four, after the word "submit," by inserting the following: "to a Board of Engineers, consisting of the State Engineer, or if there be no State Engineer, then a civil engineer to be selected by the Governor, who shall be a civil engineer of good standing as such, and a member of the Technical Society of the Pacific Coast, if such society is in existence, and also one engineer, to be selected by the Board of Supervisors of Sacramento and Sutter Counties, and one engineer to be selected by said two engineers."

Also, strike out all after the word "submit," line four, section

seven, and down to and including "existence," line seven, section seven.

Also, amend section six, by adding thereto the following: "and the water rights, water ditches, and the mining claims and mines worked by means thereof, shall also be liable for all injuries resulting to any person or property by reason of the insufficiency of such dams and other works, whether or not the said corporation, its stockholders, or other persons, are the owners of said water ditches, mines, or mining ground."

Also, "*provided*, that any such person or corporation that has erected dams or impounding works, located on any stream on which dams may be erected, on any stream, gulch, or ravine tributary thereto, sufficient to impound all debris carried down from any mining claim worked by it, or him, or by any means of any ditches or apparatus for conducting water used or owned by him, or it, shall not be required to subscribe for stock in any corporation erecting, or proposing to erect, a dam or impounding works erected by such person or corporation."

#### CALL OF THE SENATE.

Mr. Walrath moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Mr. Yell appeared at the bar of the Senate, and was excused.

Mr. Caminetti moved that further proceedings under the call be dispensed with.

So ordered.

Mr. Clunie moved the adoption of his proposed amendments.

Ayes and noes demanded by Messrs. Clunie, Langford, and Dray, and the motion was lost by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Gesford, Langford, McCudden, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, and Wilson—15.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Vrooman, Walrath, White, and Yell—23.

Mr. Dray, who would have voted "aye," was paired with Mr. Hall, who would have voted "no."

On motion of Mr. Patterson, to commit Senate Bill No. 51, as hereinafter stated.

The ayes and noes were demanded by Messrs. Hall, Patterson, and Dray, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—Messrs. Boggs, Langford, and Moffitt—3.

Mr. Dray, who would have voted "no," was paired with Mr. Hall, who would have voted "aye."



Mr. Caminetti moved that the further consideration of the bill be made the special order for to-morrow, at eleven o'clock A. M.  
So ordered.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

• Senate Bill No. 157.

SPELLACY, Chairman.

Mr. Jones in the chair.

##### SPECIAL ORDER.

Senate Bill No. 157—An Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and thirty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Read third time, and passed by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, White, Wilson, and Yell—35.

NOES—MESSRS. Meany, Steele, and Vrooman—3.

Title read and approved.

Mr. Clunie moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

On motion of Mr. Clunie, further proceedings under the call were dispensed with.

#### REPORT OF SELECT COMMITTEE ON SENATE BILL No. 51.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your committee, instructed to amend Senate Bill No. 51, hereby report that your committee has amended said bill, in compliance with said instructions, to wit: said bill is amended by inserting the word "debris," after the word "mining," on line twenty-nine, section five, of the printed bill, and by striking out the words "not carried in suspension by the water," where such words occur after the word "debris," in line three, section six, of the printed bill.

WHITE, Committee.

##### JOURNALS CORRECTED.

On motion of Mr. White, it was ordered that the Journal of February 26, 1887, be corrected, as follows: On page eleven, printed Journal, after the words "State of California," and before the words "read and adopted," insert the following, "in words and figures following, to wit" (inserting the whole amendment, with the vote there-

on); also, on page nine, same Journal, strike out "30," where those figures follow "March," and insert, in lieu thereof, "13;" also, on page ten, same Journal, strike out "Fiance," and insert, in lieu thereof, "Finance."

Also, on page twelve, printed Journal of February 28, 1887, immediately before the words "and the same was adopted," insert the following: "in words and figures following, to wit:" (inserting the whole amendment with the vote thereon).

#### MOTIONS.

Mr. Sullivan moved to take up Assembly message, with the view of reaching Assembly Bill No. 1, and have the same referred to the Committee on Commerce and Navigation.

Mr. McCarthy moved, as an amendment, to suspend the rules and take up Senate Bill No. 37 (49 on file) for a second reading.

Mr. Steele moved, as a substitute, that the Senate proceed with the regular order of business.

So ordered.

Mr. White moved that Assembly Constitutional Amendment No. 16 be made the special order for to-morrow, after the special order already set.

So ordered.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Goucher :

*Resolved*, That Senate Bill No. 232 (129 on file) presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring said bill to be read on three several days, is hereby dispensed with, and the same shall be read three times and put upon its passage this day.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell—36.

NOES—Mr. Vrooman—1.

Senate Bill No. 232—Substitute reported adopted, bill read second time, ordered engrossed, and to a third reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Sullivan:

*Resolved*, That the Controller of State be and he is hereby directed and authorized to draw his warrant in favor of the clerks of all standing committees of the Senate for the first nine days of the session, at the regular per diem allowed by law, payable out of the Contingent Fund of the Senate, except in case such per diem has heretofore been paid; and the State Treasurer is hereby directed to pay the same.

Mr. Sullivan moved the previous question.

Ayes and noes demanded by Messrs. McCarthy, Bowers, and Sullivan, and the previous question was refused by the following vote:

AYES—Messrs. Boggs, Bowers, McDonald, Sargent, Spellacy, Sullivan, Walrath, and Wilson—8.

NOES—Messrs. Abbott, Briceland, Byrnes, Caminetti, Clunie, Crandall, Dixon, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Patterson, Rose, Roth, Steele, and White—22.

Mr. Steele moved to indefinitely postpone the further consideration of the subject before the Senate.

Ayes and noes demanded by Messrs. Steele, Sullivan, and Pinder, and it was so ordered by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Crandall, Dixon, Hall, Haynes, Hinshaw, Jones, McCudden, Meany, Patterson, Rose, Roth, Steele, Vrooman, and White—17.

NOES—Messrs. Boggs, Bowers, Briceland, Clunie, Goucher, Lenahan, McCarthy, McDonald, Moffitt, Pinder, Sargent, Spellacy, Sullivan, Walrath, and Wilson—15.

By Mr. Spellacy:

*Resolved*, That all deficiency appropriation bills that have been favorably reported be and the same are hereby ordered placed on the Special File.

Adopted.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bills Nos. 342 and 265.

SPELLACY, Chairman.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Pinder:

*Resolved*, That Felix Carlos be and he is hereby allowed six days' pay as Gatekeeper of the Senate Chamber, from the third day of January to the eighth day of January, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### SPECIAL FILE—THIRD READING.

Senate Bill No. 342—An Act authorizing the incurring of indebtedness by cities incorporated under the laws of this State.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Sargent, Steele, Vrooman, Walrath, White, and Wilson—31.

NOES—None.

Title read and approved.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 442.

DIXON, Chairman.

## MOTION.

Mr. McCarthy moved a suspension of the rules, with the view of taking up and having read a second time Senate Bill No. 37.

Lost.

## SPECIAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 442—An Act to provide for the submission of such proposed amendments to the Constitution of the State as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California at the session beginning January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election, to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lendian, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Sargent, Steele, Vrooman, Walrath, White, and Wilson—32.

NOES—None.

Title read and approved.

## SPECIAL FILE—SECOND READING.

Senate Bill No. 271—An Act to encourage and provide for a general vaccination in the State of California.

Substitute reported, adopted, ordered engrossed, and to a third reading.

Assembly Bill No. 117—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

Read second time, and ordered to a third reading.

Senate Bill No. 437—An Act to amend section two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to preventing the bringing into the State persons affected with leprosy or insanity, or such other persons as by reason of their condition are liable to become a charge upon the State, and to provide for the deportation of the same.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

Senate Bill No. 89—An Act to appropriate money for the support of the California Home for the Care and Training of Feeble-Minded Children, from the first day of January, eighteen hundred and eighty-seven, to the first day of July, eighteen hundred and eighty-seven.

Severally passed on file.

Assembly Bill No. 111—An Act to appropriate money to pay the claim of W. T. Brown, or his executors or administrators.

Committee amendment, as follows: amend, by inserting the word "money," in line five, of section one.

Adopted.



So amended, the bill was ordered to a third reading.

Assembly Bill No. 112—An Act to appropriate money to pay the claim of R. F. Del Valle.

Assembly Bill No. 113—An Act to appropriate money to pay the claim of B. F. Langford.

Assembly Bill No. 114—An Act to appropriate money to pay the claim of Benj. Knight.

Assembly Bill No. 115—An Act to appropriate money to pay the claim of E. T. Wilkins.

Severally read second time, and ordered to a third reading.

Senate Bill No. 234—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Amendments offered as follows :

Mr. Langford moved to amend section one, as follows : add to section one the words, "*and provided further*, that the work be completed within one year after the passage of this Act."

Adopted.

Mr. Goucher amends section four, as follows : section four, line two, of printed bill, by inserting after the word "of," the word "this."

Adopted.

Also, by Mr. Goucher, amend section six, of printed bill, by striking out the words "General Fund," in lines two and three, and inserting in lieu thereof, the following: "five thousand dollars so appropriated and set apart."

Adopted.

Also, amend section six, by inserting, after the word "warrant," in line five, the following: "payable out of the balance of said five thousand dollars so appropriated."

Ordered engrossed, and to a third reading.

#### MOTION TO ADJOURN.

Mr. Gesford moved to adjourn until to-morrow, at ten o'clock A. M.

Mr. White moved, as an amendment, that the Senate take a recess until seven o'clock and thirty minutes this evening; and that at such evening session the following business and none other shall be transacted, to wit: such bills as are now upon the file and which have not been read, shall be read the first time, but no bill shall be placed upon the file out of its order or under a suspension of the rules.

#### MOTION.

Mr. Caminetti moved that the vote whereby Senate Bill No. 437 was ordered engrossed be reconsidered, and that the bill be passed on file.  
So ordered.

Upon the amendment of Mr. White, to the motion of Mr. Gesford.

The ayes and noes were demanded by Messrs. Clunie, Gesford, and Goucher, and the amendment prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—28.

NOES—Messrs. Clunie, Gesford, Goucher, McCarthy, McDonald, Moffitt, Murphy, Patterson, and Sullivan—9.

## RECESS.

Whereupon at five o'clock and thirty-five minutes P. M., the Senate took a recess until seven o'clock and thirty minutes P. M.

## REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Albert Bogg, Bradford Pomeroy, Charles Tucker, David Hayes, Hiram John, Joseph Anthony, Leonard, McArthur, Joseph Potts, Samuel Palmer, Thomas W. Hall, White Wilson, and Yell.

## SPECIAL FILE—FIRST READING OF BILLS UNDER RESOLUTION ADOPTED.

Assembly Bill No. 107—An Act to provide for the government and management of the "California Home for the Care and Training of Feeble-Minded Children."

Read first time.

Also, Assembly Bill No. 112—An Act to repeal all such provisions of an Act entitled "An Act to revise an Act entitled 'An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government,' approved March 20, A. D. 1874," approved April 1, 1876, as providing for the creation of a City Court in the City of Los Angeles, for a Judge of said City Court, and as require the Mayor of said city to be ex officio City Judge of said Court.

Read first time.

Also, Assembly Bill No. 390.

Read first time.

Also, Senate Bill No. 111—An Act to amend Section one thousand nine hundred and eighty-six of the Code of Civil Procedure, relating to the issuance of subpoenas.

Read first time.

Also, Senate Bill No. 40—An Act to provide an appeal to the Supreme Court in habeas corpus cases, and to add a new section to the Penal Code.

Read first time.

Also, Senate Bill No. 261—An Act to amend sections one thousand one hundred and eighty-three, one thousand one hundred and eighty-four, one thousand one hundred and eighty-five, one thousand one hundred and eighty-six, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand one hundred and eighty-nine, one thousand one hundred and ninety, one thousand one hundred and ninety-one, one thousand one hundred and ninety-two, one thousand one hundred and ninety-three, one thousand one hundred and ninety-four, one thousand one hundred and ninety-five, one thousand one hundred and ninety-six, one thousand one hundred and ninety-seven, one thousand one hundred and one, one thousand two hundred and two, and repeal sections one thousand two hundred and three of an Act of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, all relating to liens of mechanics and others.

Read first time.

Also, Assembly Bill No. 37—An Act to amend section one hundred and sixty of an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses.

Read first time.

Also, Assembly Bill No. 118—An Act to amend section three thousand seven hundred and sixty-eight of the Political Code of the State of California, relating to the time and place where sales of property for delinquent taxes shall be held.

Read first time.

Also, Senate Bill No. 21—An Act to amend sections one thousand one hundred and twenty-nine, one thousand one hundred and sixty, one thousand one hundred and ninety-two, one thousand two hundred and three, one thousand two hundred and four, one thousand two hundred and twelve, one thousand two hundred and twenty-five, one thousand two hundred and twenty-six, one thousand two hundred and twenty-seven, one thousand two hundred and forty-two, and one thousand three hundred and fifty-eight of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Read first time.

Also, Senate Bill No. 16—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and twenty-nine, one thousand nine hundred and ninety, two thousand and twenty-two, two thousand and twenty-six, and two thousand and ninety-four, and to add a new section, to be known as section two thousand and twenty-seven, of the Political Code, relating to the State militia.

Bill withdrawn, and Assembly Bill No. 106 substituted and read first time.

Also, Senate Bill No. 27—An Act entitled "An Act to amend section one thousand five hundred and twenty-one of an Act entitled 'An Act to establish a Political Code,'" approved March 12, 1872, relating to public schools.

Read first time.

Also, Senate Bill No. 152—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to Registers' certificates in cases where the title of purchasers of State lands fail.

Read first time.

Also, Assembly Bill No. 120—An Act to amend an Act entitled an Act to amend an Act to incorporate the Town of Chico, Butte County, California, approved March 23, 1878.

Read first time.

Also, Senate Bill No. 86—An Act providing for the payment to D. Jordan for work and labor performed upon and materials furnished in the construction of the State Prison at Folsom.

Read first time.

Also, Senate Bill No. 114—An Act to amend section three hundred and seventy-eight of an Act entitled "An Act to establish a Political Code," approved February 14, 1872, relating to the preservation of the public health and safety, and registration of births, deaths, and marriages."

Read first time.

Also, Senate Bill No. 110—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of dead bodies and preservation of public health.

Read first time.

Also, Senate Bill No. 111—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Read first time.

Also, Senate Bill No. 112—An Act to amend section three thousand and sixty-two of, and to add a new section to, an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Read first time.

Also, Senate Bill No. 74—An Act to pay the claim of Jessie A. Galland.

Read first time.

Also, Senate Bill No. 76—An Act to pay the claim of J. F. Gawthorne.

Read first time.

Also, Senate Bill No. 77—An Act to pay the claim of Edwin J. Smith.

Read first time.

Also, Senate Bill No. 147—An Act to prevent the spreading of fruit, fruit tree, and vine insect pests, and to provide for their extirpation.

Read first time.

Also, Senate Bill No. 75—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Thomas Curtin.

Read first time.

Also, Senate Bill No. 45—An Act for the relief of William Pyburn, or assignees, for services rendered as private in defending the eastern frontier against the attacks of Indians.

Read first time.

Also, Assembly Bill No. 79—An Act to appropriate money to pay the claim of William Gutenberger, for mechanics' tools and property destroyed at the Branch State Prison at Folsom.

Read first time.

Also, Senate Bill No. 35—An Act to regulate the employment of grip-men, conductors, and drivers on street railways; to provide for granting licenses to competent persons, and provide further safeguard to life and property in the matter of operating such railways.

Read first time.

Assembly Bill No. 148.

Read first time.

Mr. Clunie moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gosford, Haynes, Hinshaw, Jones, Langford, Lenthall, McCarthy, McCudden, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.



Mr. Caminetti moved to dispense with further proceedings under the call.

So ordered.

Assembly Constitutional Amendment No. 2 ordered printed, as amended.

Mr. Clunie moved that Senate Bills Nos. 201, 202, 203, 204, and 205, be stricken from the file.

So ordered.

Mr. Crandall withdrew from the file Senate Bill No. 410.

Mr. Dray had leave to withdraw Senate Bill No. 91, and to substitute therefor Assembly Bill No. 148.

Assembly Bill No. 262 (269 on file) substituted for Senate Bill No. 145 (264 on file), withdrawn.

Mr. Jones withdrew Senate Bill No. 415 (264 on file), and had leave to substitute therefor Assembly Bill No. 262 (269 on file).

Mr. Goucher moved that all bills adversely reported upon be stricken from the file.

So ordered.

Mr. Clunie moved to dispense with the present order of business, and take up for consideration in the order indicated the following bills, to wit:

Senate Bill No. 292 (30 on file).

Senate Bill No. 273 (33 on file).

Senate Bill No. 69 (34 on file).

Senate Bill No. 13 (38 on file).

Senate Bill No. 91 (40 on file).

Senate Bill No. 120 (70 on file).

Senate Bill No. 37 (49 on file).

Senate Bill No. 214 (51 on file).

Senate Bill No. 289 (55 on file).

Senate Bill No. 50 (73 on file).

Senate Bill No. 374 (75 on file).

Senate Bill No. 236 (78 on file).

Senate Bill No. 54 (151 on file).

Senate Bill No. 64 (152 on file).

Senate Bill No. 439 (275 on file).

Senate Bill No. 440 (276 on file).

Senate Bill No. 330 (46 on file).

Senate Bill No. 253 (146 on file).

Senate Bill No. 238 (137 on file).

Senate Bill No. 217 (41 on file).

Senate Bill No. 297 (139 on file).

Senate Bill No. 264 (138 on file).

Senate Bill No. 347 (272 on file).

Senate Bill No. 228 (228 on file).

Senate Bill No. 171 (108 on file).

Senate Bill No. 172 (109 on file).

Senate Bill No. 395 (233 on file).

Senate Bill No. 260 (140 on file).

Senate Bill No. 269 (163 on file).

Senate Bill No. 79 (56 on file).

Senate Bill No. 19 (274 on file).

Senate Bill No. 127 (54 on file).

Senate Bill No. 223 (36 on file).

Also, the following Assembly Bills, to wit:

Assembly Bill No. 135 (39 on file).  
 Assembly Bill No. 8 (63 on file).  
 Assembly Bill No. 9 (64 on file).  
 Assembly Bill No. 10 (65 on file).  
 Assembly Bill No. 46 (67 on file).  
 Assembly Bill No. 47 (68 on file).  
 Assembly Bill No. 181 (69 on file).  
 Assembly Bill No. 199 (132 on file).  
 Assembly Bill No. 138 (203 on file).  
 Assembly Bill No. 29 (204 on file).  
 Assembly Bill No. 79 (106 on file).  
 Assembly Bill No. 92 (110 on file).  
 Assembly Bill No. 136 (223 on file).  
 Assembly Bill No. 41 (247 on file).

So ordered.

Mr. Gesford moved that the Senate do not adjourn until the bills named in Mr. Clunie's motion are all disposed of.

So ordered.

Consideration of bills under the operation of Mr. Clunie's motion proceeded with.

Senate Bill No. 292—An Act to amend section three thousand three hundred and sixty of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to damages in cases of libel or slander.

Upon the passage of the bill the roll was called, and the Senate refused to pass the bill, by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Crimmins, Dray, Goucher, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Spellacy, Vrooman, and White—17.  
 NOES—Messrs. Caminetti, Crandall, Dixon, Haynes, Pinder, Roth, Sargent, Steele, and Sullivan—10.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Clunie gave notice that, on to-morrow, he would move a reconsideration of the vote just had, whereby the Senate refused to pass Senate Bill No. 292.

Senate Bill No. 273—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VII thereof, to be known as section one thousand three hundred and eighty-nine, for the prevention of minors being employed by telephone companies or special delivery companies to deliver notes or messages to houses of prostitution or places of questionable repute.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, White, Wilson, and Yell—28.  
 NOES—None.

Title read and approved.

Senate Bill No. 69—An Act to create and maintain a relief and pension fund in the police department of all cities in this State having a police force of ten or more members, and to provide for the administration of such fund.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Hinshaw, Jones, Langford, Lenahan, McUdden, Meany, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, and White—23.  
 NOES—None.

Title read and amended by striking out "ten" and inserting "one hundred."

So amended, the title was read and approved.

Senate Bill No. 13 was ordered stricken from the list embraced in Mr. Clunie's motion.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 124—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, and six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

SARGENT, Chairman.

Mr. McCarthy moved to substitute Senate Bill No. 120 (70 on file) for Senate Bill No. 37 (49 on file), and that Senate Bill No. 120 be read a second time.

So ordered.

Senate Bill No. 120—An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of said bonds.

Read second time, ordered engrossed, and to a third reading.

#### ADDRESS TO GOVERNOR BARTLETT.

Mr. Caminetti introduced the following, which was unanimously adopted:

*To his Excellency Governor Washington Bartlett:*

We regret exceedingly that we cannot participate in the festivities of the evening, but as the session is drawing to a close, and our work is to a certain extent incomplete, we feel it our duty to attend to the business of the State, although by so doing we forego a pleasure that we all hoped to personally enjoy. We are with you in spirit, and accompanying it there goes from us a heartfelt wish that your health and prosperity, as well as the success of your administration, may meet your fondest hopes.

Senate Bill No. 330 read second time.

Mr. Jones moved to amend section five as follows: by adding, at the end thereof, the following: "and the direction herein to the Controller is exempt from the operation of section six hundred and seventy-two of said Code."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Senate Bill No. 214 read second time.

Mr. Caminetti moved to amend, by inserting, after the word "Governor," line five, section one, printed bill, the words, "a Secretary for the Board of Examiners."

Adopted.

Also, strike out, after the word "Governor," where it occurs the second time, on line four, section one, the following: "who is ex officio Clerk of the Board of Examiners."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Senate Bill No. 50—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum.

Read second time, when Mr. Clunie moved to amend Senate Bill No. 50, as follows: by striking out section one, and inserting in lieu thereof the following:

SECTION 1. There is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of six thousand three hundred and seventy-two dollars, in favor of and payable to N. P. Perine, for the payment of his claim for furnishing granite and statuary for the Insane Asylum at Napa, and for labor performed on said asylum; and the Controller of State is hereby authorized and directed to draw his warrant for said sum, and the State Treasurer is directed to pay the same, and the direction herein to the Controller is exempted from the operation of section six hundred and seventy-two of the Political Code of this State.

Adopted.

So amended, the bill was ordered engrossed, to a third reading, and upon the Special File.

Senate Bill No. 374—An Act relating to the compensation of Court reporters in counties of the eighth class.

Ordered engrossed, to a third reading, and upon the Special File.

Senate Bill No. 236—An Act entitled "An Act to amend an Act to form agricultural districts, to provide for the organization of agricultural associations, and for the management and control of the same by the State," approved April 15, 1880.

Substitute reported adopted.

Mr. Steele moved to amend, by striking out the words "and San Luis Obispo."

Adopted.

Also, section three, "the County of San Luis Obispo shall constitute Agricultural District No. 16."

Adopted.

So amended, the substitute bill was ordered engrossed, and to a third reading.

Senate Bill No. 54 read first time.

Senate Bill No. 64 read first time.

Senate Bill No. 51 (151 on file) placed on the Special File.

Senate Bill No. 439 read first time.

Senate Bill No. 440 read first time.

Senate Bill No. 250 read first time.

Senate Bill No. 233 read first time.

Senate Bill No. 217 read second time, substitute adopted, and passed temporarily.

Senate Bill No. 264 read first time.

Senate Bill No. 347 read first time.

Substitute for Senate Bill No. 217 read second time.

Mr. Gesford moved to amend section two as follows: insert, in line six, section two, after the word "apportioned," the following: "*provided*, such sum shall in no one county, city, or city and county, exceed ten thousand dollars."

Adopted.



Also, in line one, section three, after the word "county," add "city, or city and county."

Adopted.

Also, add to section two, page two, "whenever from any cause such an industrial training school is discontinued for a period of twelve months, the local Board of Directors shall sell all the property therewith belonging, and return the proceeds thereof to the State Treasury."

Adopted.

Also, amend in line one, section four, after "city," add "or city and county."

Adopted.

Also, add "or city and county," after the word "city," in line nine, section three.

Adopted.

Also, add "or city and county," after "city," in line two of section five.

Adopted.

Also, add after "painting," in line five, section five, page three, "drawing, drafting, and designing."

Adopted.

Also, strike out the word "fewer" and insert "less," line ten, section five; also, strike out "five" and insert "three," in same line.

Adopted.

Also, in line two, section five, add "or city and county," after word "city."

Adopted.

Also, amend line ten, section seven, "in their judgment such appointment is necessary."

Adopted.

Also, in line fourteen, section seven, strike out the word "twice" and insert "once."

Adopted.

Also, amend lines two and three, section eleven, page five, by striking out "which shall be within thirty days after the approval of this Act."

Adopted.

Also, amend line three, section fourteen, page six, by inserting after "Boards," "where there are such."

Adopted.

Also, strike out all after the word "Directors."

Adopted.

So amended, the bill was ordered engrossed and to a third reading.

Mr. Jones moved to rescind the vote whereby Senate Bill No. 330 was amended.

So ordered.

Mr. Jones moved to amend Senate Bill No. 330 by adding a new section, to read as follows:

SEC. 6. Sections four hundred and thirty-three and six hundred and seventy-two of the Political Code of California are hereby declared inoperative, as far as the same may conflict with the provisions of this Act.

So ordered.

Bill ordered engrossed and to a third reading.

## NOTICE.

By Mr. Byrnes, as follows:

I hereby give notice that, on to-morrow, I will move a reconsideration of the vote by which the resolution offered by Mr. Sullivan, relating to committee clerk's pay, was indefinitely postponed.

Mr. Wilson moved to take up Senate Bill No. 289, and read it the second time.

So ordered.

Senate Bill No. 289 read second time, and passed on file, to keep its place thereon.

## FIRST READING.

Senate Bill No. 228 read first time.

Senate Bill No. 171 read first time.

Senate Bill No. 172 read first time.

Senate Bill No. 395 read first time.

Senate Bill No. 260 read first time.

Senate Bill No. 269 read first time.

The substitute for Senate Bill No. 79 was read and adopted, and ordered to a third reading.

Senate Bill No. 19 read first time.

Senate Bill No. 127 read the second time, and made the third special order for to-morrow, and ordered engrossed.

## RESOLUTION—(OUT OF ORDER).

Mr. Sullivan offered the following resolution, out of order, which was referred to Committee on Attachés, Contingent Expenses, and Mileage:

*Resolved*, That John W. Wilcox, Sergeant-at-Arms, and T. B. Mortee, Clerk to the Sergeant-at-Arms, be and they are hereby allowed three days' pay from the third day of January to the fifth day of January, at a per diem of eight dollars each, payable out of the Contingent Fund of the Senate.

*Resolved further*, That Wm. S. O'Brien, Assistant Clerk to the Sergeant-at-Arms, be and he is hereby allowed six days' pay, from the third day of January to the eighth day of January, at a per diem of eight dollars, payable out of the Contingent Fund of the Senate.

Senate Bill No. 223 was read the second time, and the committee offered the following amendments: strike out of line six, from the bottom of page one, the word "five," and insert in lieu thereof the word "one."

Adopted.

Also, strike out of line five from the bottom of page one, the word "six," and insert in lieu thereof the word "three."

Adopted.

The bill, so amended, was ordered engrossed, and to a third reading.

Assembly Bill No. 135 was read the second time.

Mr. Dixon offered the following amendment: strike out section one, and substitute in place thereof the following:

SECTION 1. There is hereby appropriated out of any money in the General Fund not otherwise appropriated, the sum of three thousand eight hundred and forty-two dollars, in favor of and payable to Elisha O. Crosby, and the Controller of State is hereby authorized and directed to draw his warrant, and the Treasurer of State to pay the same: *pro-*

*vided*, nothing in section four hundred and fifty-three of the Political Code of this State shall be held to conflict with this Act; *provided further*, that the direction herein to the Controller is exempted from the operation of section six hundred and seventy-two of said Code.

Adopted.

The bill, so amended, was placed on the Special File, and ordered to a third reading.

Assembly Bill No. 8 was read the second time, and the title was amended as follows: so that the same will read "An Act to amend section six hundred and two of the Political Code of the State of California, relating to insurance."

The bill, so amended, was ordered on the Special File, and to a third reading.

Assembly Bill No. 9 was read second time, and ordered to a third reading, and to be placed on the Special File.

Assembly Bill No. 10 was read the second time, and amended by Mr. Wilson, as follows: by striking out of section one, line thirteen, the words "or upon merchandise in warehouses;" also, in section one, line eleven, after the word "California," insert the words "and Oregon," and in same line change the word "State" to "States."

Adopted.

Mr. Wilson also moved to amend by making section three, section four.

Adopted.

So amended, the bill was read the second time, and ordered on Special File, and to a third reading.

Assembly Bill No. 46 read the second time.

Mr. White offered a substitute therefor, which was read and adopted.

The substitute was ordered engrossed and printed, and bill ordered to a third reading.

Assembly Bill No. 47 was read the second time, and amended by the committee as follows: strike out the word "laborers," in section two, line one, from bottom of page one, and insert, after the word "contractors," on line one, from bottom of page one, "sub-contractors, artisans, architects, builders, laborers of every class, material-men, or vendors," in lieu thereof.

Adopted.

Mr. Jones offered the following amendment: amend section one, as follows: "section twelve hundred and forty-one of the Civil Code is amended so as to read as follows."

Adopted.

Bill ordered read a third time.

Assembly Bill No. 181 read the second time, and ordered to a third reading.

Assembly Bill No. 199 read the first time.

Assembly Bill No. 138 was read the first time, and ordered placed on the Special File.

Assembly Bill No. 29 read the first time, and ordered on Special File.

Assembly Bill No. 79 read the first time, and ordered on Special File.

Assembly Bill No. 92 read the first time, and ordered on Special File.

Assembly Bill No. 136 read the first time, and ordered on Special File.

Assembly Bill No. 41 read the first time, and ordered on Special File.

Mr. Wilson raised the point of order, that Senate Bill No. 288 was on the head of the list to read to-night, but during his absence was passed temporarily, therefore it was subject to be taken up.

The Chair ruled the point of order well taken.

• MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 1—An Act to amend sections two thousand four hundred and thirty-three, two thousand four hundred and thirty-six, two thousand four hundred and forty, two thousand four hundred and forty-three, of Article V, of the Political Code, relating to pilots and Pilot Commissioners, and two thousand four hundred and fifty-seven, two thousand four hundred and sixty, two thousand four hundred and sixty-two, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, of Article VI, of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Assembly Bill No. 1—Above reported, referred to Committee on Commerce and Navigation.

ADJOURNMENT.

At twelve o'clock M., on motion of Mr. Murphy, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, )  
Wednesday, March 2, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. ABBOTT, BOWERS, BRICELAND, CHANDLER, CHURCH, CONKLIN, CRANDALL, CRIMMINS, DIXON, DRAY, HALL, HAYNES, HINSBROW, JONES, LANGFORD, MCCARTHY, MCCLEDDEN, MEANY, ROSE, ROTH, SARGENT, STEELE, VROOMAN, WALRATH, WHITE, WILSON, and YELL.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Reading and approval of Journal of yesterday made special order, immediately after recess.

SPECIAL ORDER.

Senate Bill No. 51—An Act to provide for the impounding of mining debris.

Mr. Walrath moved a call of the Senate.

So ordered.



The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Messrs. Moffitt, Spellacy, and Byrnes were reported at the bar of the Senate, and were severally excused.

Mr. White moved that further proceedings under the call be dispensed with.

Lost.

Mr. Murphy appeared at the bar of the Senate in charge of the Sergeant-at-Arms, and was excused.

Mr. Clunie moved that further proceedings under the call of the Senate be dispensed with.

Ayes and noes demanded by Messrs. Clunie, Dray, and Murphy, and the motion prevailed by the following vote:

AYES—Messrs. Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Haynes, Hinshaw, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Steele, Walrath, White, Wilson, and Yell—23.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Conklin, Crimmins, Goucher, Hall, Jones, Langford, and Lenahan—12.

Mr. Briceland asked leave to withdraw Senate Bill No. 103 (83 on file).

Request granted.

Senate Bill No. 103 withdrawn.

#### SPECIAL ORDER.

Senate Bill No. 51—An Act to provide for the impounding of mining debris.

The question being upon the passage of the bill.

Mr. Goucher moved to extend the hour of recess until the question before the Senate be disposed of.

Lost.

#### NOTICE.

Mr. White objected to any excuse or exoneration of Senators absent when a call of the Senate was ordered, unless valid excuse be given, and he gave notice that in the future he would insist upon the punishment of Senators derelict in this regard.

#### RECESS.

At twelve o'clock M. the Senate took the usual daily recess until one o'clock and thirty minutes P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Spellacy, Sullivan, Walrath, White, Wilson, and Yell.

Quorum present.

Journal of yesterday considered read, corrected, and approved.

Consideration of Senate Bill No. 51, pending when the Senate took a recess, resumed.

The question being upon the passage of the bill.

Mr. Vrooman moved that the rules be suspended, in order to allow Mr. Chandler ample time to discuss the question before the Senate.

So ordered.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bills Nos. 223, 50, 374, 271, 330, 234, 232, Substitute for Assembly Bills Nos. 13, 127, 79, and 214.

SPELLACY, Chairman.

##### LEAVE OF ABSENCE.

Mr. Wilson was granted a temporary leave of absence.

Senate Bill No. 51 having been read a third time, a call of the Senate was ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion, further proceedings under the call were dispensed with.

The question being on the passage of Senate Bill No. 51.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crimmins, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Spellacy, Sullivan, Vrooman, Walrath, and White—25.

NOES—Messrs. Boggs, Chandler, Crandall, Dixon, Dray, Gesford, Hinshaw, Langford, McCudden, Rose, Roth, Sargent, Steele, Wilson, and Yell—15.

Title read and approved.

##### MOTION.

Mr. McCudden moved to take up, out of order, Senate Bills Nos. 359 and 425, and that the same be read the second time.

So ordered.

Senate Bill No. 359 read second time, and committee amendment considered: amend section one, by striking out all of the section after the word "jail," in line fifteen, printed bill, up to and including the word "prosecuted," in line twenty, printed bill, and insert, in lieu thereof, the following: "one third of all moneys collected for fines for violation of the provisions of this chapter shall be paid to informers, and one third into the treasury of the county in which the action is prosecuted, and one third shall be paid into the Fish Commission

Fund, to be applied to the payment of the expenses of propagating, protecting, restoring, and introducing fish in the public waters of the State."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Senate Bill No. 425 read second time, ordered engrossed, and to a third reading.

#### NOTICE OF MOTION TO RECONSIDER.

Mr. Clunie gave notice that he would, on to-morrow, move a reconsideration of the vote whereby Senate Bill No. 51 was passed.

#### SPECIAL FILE—THIRD READING.

Senate Bill No. 232—An Act to provide one additional Judge of the Superior Court of the County of Fresno.

Taken up out of order, read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—34.

NOES—None.

Title read and approved.

Assembly Bill No. 78—An Act to provide an additional Judge of the Superior Court of the County of San Bernardino.

Taken up, out of order, read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Clunie, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, and Yell—30.

NOES—None.

Title read and approved.

By unanimous consent, Mr. Patterson had leave to introduce Senate Bill No. 443—Entitled an Act to amend section eight of an Act entitled an Act to provide for the future management of the Napa State Asylum for the Insane, approved March 6, 1876, relating to the resident and assistant physicians.

Read first time, and placed on Special File.

Mr. Rose moved to take up, out of order, Senate Bill No. 186.

So ordered.

Senate Bill No. 186—An Act to amend sections six, eight, nine, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add four new sections to said Act, to be known as sections thirteen, fourteen, fifteen, and seven, and to repeal section seven of said Act.

Read second time, and committee amendments considered.

Amend section three, by striking out the words "one thousand," and insert the words "five hundred."

Adopted.

By Mr. Caminetti, as follows: insert, in section two, line two, the words "section eight," before the word "it," in the printed copy.

Adopted.

By the committee, as follows: amend section four of the bill, by striking out the words "fifteen thousand," where they occur in said section, and insert, in lieu thereof, the words "twelve thousand."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Mr. Clunie moved to reconsider the vote whereby Senate Bill No. 292 was refused passage at yesterday's session.

So ordered.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following Assembly Bill No. 175—Entitled an Act to amend section three thousand five hundred and two of the Political Code, relating to school land warrants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLUNIE, Chairman.

Assembly Bill No. 175, above reported, was, on motion of Mr. Sargent, taken up, out of order, read first time, and ordered placed on Special File.

Mr. White moved and proposed that the Senate adopt and propose the following resolution and constitutional amendment in lieu and as amendatory of substitute for Assembly Constitutional Amendment No. 16, to wit:

A Resolution to propose an amendment to section eight, of Article XI, of the Constitution of the State of California, relating to the framing of a charter for cities of more than one hundred thousand inhabitants, and for cities of over ten thousand and less than one hundred thousand inhabitants.

*Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section eight, of Article XI, of the Constitution of said State, be amended so as to read as follows:*

Section 8. Any city, or consolidated city and county, containing a population of more than one hundred thousand inhabitants, may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, or city and county, at any general or special election, whose duty it shall be, within one hundred days after such election, to prepare and propose a charter for such city, or city and county, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, or city and county, and the other to the Recorder of deeds of the county, or city and county. Such proposed charter shall then be published in two daily papers of general circulation in such city, or city and county, for at least twenty days, and such publication shall be commenced within twenty (20) days after the completion of the charter; and within not less than thirty days after the completion of such publication it shall be submitted by the legislative authority of said city, or city and county, to the qualified electors thereof, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment; and if approved by a majority vote of the members elected to each House it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or other chief executive officer, and authenticated by the seal of such city, or city and county, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, or city and county, among the archives of the city, or city and county. All Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not



less than two years, by proposals therefor submitted by legislative authority of the city, or city and county, to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Any city, or consolidated city and county, containing a population of more than ten thousand and not more than one hundred thousand inhabitants, may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, or city and county, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, or city and county, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of said city, or city and county, and the other to the Recorder of the county, or city and county. Such proposed charter shall then be published in two daily papers of general circulation in such city, or city and county, for at least twenty days; and publication shall be commenced within twenty days after the completion of the charter; and within not less than thirty days after the completion of such publication it shall be submitted by the legislative authority of said city, or city and county, to the qualified electors of said city, or city and county, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and shall supersede any existing charter, and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or other chief executive officer, and authenticated by the seal of such city, or city and county, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in the office of the Recorder of deeds of the county, or city and county, among the archives of the city, or city and county; and thereafter all Courts shall take judicial notice thereof. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city, or city and county, to the qualified electors thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—36.

NOES—None.

Mr. Goucher moved to make Assembly Bill No. 179 (76 on file) the special order on to-morrow, immediately after the reading of the Journal.

So ordered.

Mr. McCarthy moved, as an amendment, that the notice to reconsider, made by Mr. Byrnes at yesterday's session, be made the special order for to-morrow, at three o'clock p. m.

So ordered.

Mr. White moved, as an amendment to the amendment, that the Senate take a recess until seven o'clock and thirty minutes this evening.

Mr. Murphy moved, as a substitute, that the Senate proceed with the regular order of business, and take up the third special order for the day.

So ordered.

## THIRD SPECIAL ORDER.

Senate Bill No. 127—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations.

Read third time, and passed by the following vote:

AYES—MESSRS. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—35.

NOES—None.

Title read and approved.

## SPECIAL FILE—THIRD READING.

Assembly Bill No. 117—An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

Read third time.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Upon motion of Mr. Goucher, the further proceedings under the call of the Senate were dispensed with.

The roll was called, and Assembly Bill No. 117 passed by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, Wilson, and Yell—30.

NOES—MESSRS. Caminetti, Chandler, Hinshaw, Langford, Rose, Sargent, Steele, and White—8.

Title read and approved.

Mr. Gesford moved a suspension of the rules, and that Assembly Bill No. 1 be taken up, out of order, and placed upon the Special File.

Ayes and noes demanded by Messrs. Langford, Gesford, and Byrnes, and the Senate refused the motion by the following vote:

AYES—MESSRS. Bowers, Briceland, Caminetti, Chandler, Crandall, Dixon, Gesford, Haynes, Hinshaw, Jones, Langford, McCudden, Rose, Roth, Steele, and White—16.

NOES—MESSRS. Abbott, Boggs, Byrnes, Clunie, Crimmins, Dray, Goucher, Hall, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Sargent, Spellacy, Sullivan, Vrooman, Walrath, Wilson, and Yell—23.

Mr. Gesford moved that the Committee on Commerce and Navigation be instructed to report back to the Senate Assembly Bill No. 1 to-morrow morning.

Ayes and noes demanded, by Messrs. Gesford, Conklin, and Moffitt, and the Senate refused to so order by the following vote:

AYES—Messrs. Bowers, Briceland, Caminetti, Chandler, Crandall, Dixon, Gesford, Haynes, Hinshaw, Jones, Langford, McCudden, Moffitt, Rose, Sargent, Steele, and White—17.

NOES—Messrs. Abbott, Boggs, Byrnes, Clunie, Crimmins, Dray, Goucher, Hall, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, Wilson, and Yell—22.

### SPECIAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 265—An Act to amend an Act entitled an Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof, approved March 18, 1885, in relation to the salary of officers.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—32.

NOES—Messrs. Haynes and Hinshaw—2.

Title read and approved.

### REPORT OF STANDING COMMITTEE.

#### ON ELECTIONS—MAJORITY REPORT.

By Mr. Clunie:

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: The undersigned, a majority of the Committee on Elections, to whom was referred the contest of J. W. Ryland vs. E. B. Conklin, for a seat in this Senate, have had the same under consideration, and have given to it a careful and scrutinizing investigation; and from the law applicable to the evidence and facts presented, we are of the opinion that Mr. Ryland is entitled to a decision in his favor, and we therefore declare that J. W. Ryland is the duly elected Senator from the Thirty-second Senatorial District, and he is hereby declared entitled to said office, and to a seat in this body.

A. CAMINETTI, Chairman,  
T. J. PINDER,  
B. V. SARGENT,  
THOS. J. CLUNIE,

Majority Committee on Elections.

#### MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: We, the undersigned members of your Committee on Elections, have carefully examined the testimony and heard the arguments of counsel in the matter of the contested election of Ryland vs. Conklin, and, totally dissenting from the views of the majority, regarding this contest, beg leave to submit a minority report as follows:

We are of opinion that Senator Conklin, the sitting member, should retain his seat in this body. In our opinion, neither the character of the testimony adduced, nor the procedure in taking it, nor yet the rules of law invoked under it to overthrow the record-majority of nine votes for Senator Conklin, are such as should commend themselves to the favorable consideration of the honorable members of this body.

Not only does the testimony bear on its face most palpable evidence of its falsity, but it was taken knowingly and intentionally without notice to respondent, as required by law, for the purpose of securing an unfair advantage, and respondent was prevented by his circumstances, and the unlawful procedure of contestant, even the opportunity of making a proper defense.

These facts should, in our opinion, work a forfeiture of contestant's right to a hearing before this body; or if he must be heard, they certainly cast discredit on his case.

But apart from the evidence, to seat contestant requires, in our judgment, a violation of principles of justice to which we cannot assent. It requires that the rule of interpretation and construction applied to contestant shall be different and more favorable than that applied to respondent.

It requires the overthrow of a direct constitutional provision, an unbroken line of Court decisions, and a rule established by a thousand years of custom, regarding the effect of a full and absolute pardon.

It requires this Senate to say, in principle, that it is above and may disregard the laws

adopted for securing orderly and honest procedure at elections, and is not bound by the declared result, though every vote is acknowledged to have been lawfully cast and properly counted according to both the spirit and letter of the law.

Therefore this minority report declares that Senator Conklin, the sitting member, is the duly elected Senator from the Thirty-second Senatorial District, and is alone entitled to that seat.

A. P. HALL,  
JAS. D. BYRNES,  
M. W. DIXON.

Minority Committee on Elections.

Mr. Dixon moved to strike out the third and fourth paragraphs, containing seven lines, in minority report of Committee on Elections in case of Ryland vs. Conklin.

So ordered.

Mr. Jones moved to make the consideration of the two reports the special order on Friday morning, after the reading of the Journal.

Mr. Murphy moved, as an amendment, that the Senate proceed with the immediate consideration of the reports in the order in which they were presented.

Mr. Goucher moved, as a substitute, that said reports be made the special order on to-morrow evening, at seven o'clock and thirty minutes, and it was so ordered.

RECESS.

At five o'clock P. M., on motion of Mr. Goucher, the Senate took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crimmins, Dixon, Gestord, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Murphy, Patterson, Rose, Sargent, Spellacy, Steele, Waldrath, White, and Yell.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Substitute for Assembly Bills Nos 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506 hereby report same back, and reserve right to report amendments thereto on to-morrow.

Also, Senate Bill No. 332 have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CAMINETTI, Chairman.

Mr. Caminetti moved that Assembly Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506 be taken up, out of order, and read first time.

So ordered.

The Substitute for Assembly Bills above named was read first time, ordered to a second reading, and upon the Special File.

Mr. Abbott moved to take up, out of order, Assembly Bill No. 80 (266 on file), and that the same be read a first time.

So ordered.



Assembly Bill No. 80 read first time, and ordered to a second reading.

Mr. Conklin moved to take up, out of order, Senate Bill No. 193 (31 on file), and that the same be read a third time, and put upon its final passage.

So ordered.

Senate Bill No. 193 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Meany, Murphy, Patterson, Rose, Roth, Steele, and White—28.  
 NOES—Messrs. Jones, Pinder, Spellacy, Vrooman, and Walrath—5.

Title read and approved.

Mr. Murphy gave notice that he would object to any other than the regular order of business.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 23—Entitled an Act to provide for claim of Colonel W. B. Burtis.

And have, this day, placed the same in the hands of the Governor.

ROTH, Chairman.

##### ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 436—Entitled an Act to establish a State Board of Charities and Reform, to prescribe the duties thereof, and provide for their expenses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAYNES, Chairman.

Mr. Vrooman moved to take up, out of order, Senate Bill No. 214 (61 on file) for third reading and passage.

So ordered.

Senate Bill No. 214—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Steele, Vrooman, Walrath, and White—31.  
 NOES—None.

Title read and approved.

#### RESOLUTION DECLARING A CASE OF URGENCY.

By Mr. Haynes:

*Resolved*, That Senate Bill No. 327—Entitled an Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring said bill to be read on three several days, is hereby dispensed with, and the same shall be read twice (having passed the first reading), and put upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Gestord, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—32.

NOES—None.

On motion of Mr. Haynes, Senate Bill No. 327—An Act to grant to the United States certain tide land belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay—was read a second time, ordered engrossed, and to a third reading.

On motion of Mr. Haynes, Senate Bill No. 327 was read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Dixon, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—30.

NOES—None.

Title read and approved.

#### INTRODUCTION OF BILLS.

By unanimous consent, the following bills were introduced, read by title, and referred as follows:

By Mr. Goucher: Senate Bill No. 444—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the State Insane Asylum at Stockton.

Read first time, and ordered on Special File.

By Mr. Sargent (by request): Senate Bill No. 445—An Act to amend section six hundred and twenty-six of an Act entitled an Act to establish a Penal Code, approved March 21, 1872, relating to preservation of game and fish.

On file.

#### RESOLUTIONS OF RESPECT TO THE MEMORY OF THE LATE CHIEF JUSTICE, HON. R. F. MORRISON.

Mr. White offered the following:

WHEREAS, The Hon. Robert F. Morrison, Chief Justice of this State, has been summoned from life; and whereas, the State of California has thus lost a citizen and officer whose integrity and purity of character have ever been undoubted, and whose ability and untarnished conduct in public station have merited and won universal commendation; therefore, be it

*Resolved*, That the Senate of the State of California deeply mourns the death of Hon. Robert F. Morrison.

*Resolved*, That when the Senate adjourns this day, it shall do so as a mark of respect for the memory of the distinguished deceased, and as a token of sympathy for his bereaved family.

Resolutions unanimously adopted.

Senate Bill No. 271—An Act to encourage and provide for a general vaccination in the State of California.

Mr. Murphy moved to strike out the enacting clause of said bill, and it was so ordered.

## SPECIAL FILE—THIRD READING—(RESUMED).

Assembly Bill No. 8—An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code in relation to insurance," approved April 1, 1878.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Patterson, Rose, Roth, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—28.

NOES—Messrs. Pinder and Sullivan—2.

Title read and approved.

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing certain corporations to act as executor and in other capacities.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, McCudden, McDonald, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and Wilson—27.

NOES—None.

Title read and approved.

Assembly Bill No. 10—An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—30.

NOES—Mr. Sargent—1.

Title read and approved.

Assembly Bill No. 135—An Act for the renumeration of Elisha O. Crosby, for money advanced to and for the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—31.

NOES—Messrs. Byrnes and Hinshaw—2.

Title read and approved.

Senate Bill No. 50—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Goucher, Hall, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Patterson, Pinder, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, and Walrath—24.

NOES—Messrs. Caminetti, Crandall, Dixon, Gesford, Haynes, Hinshaw, Murphy, Sargent, White, and Yell—10.

Title read and approved.

Senate Bill No. 374—An Act relating to the compensation of Court reporters in counties of the eighth class.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—32.

NOES—None.

Title read and approved.

Assembly Bill No. 111—An Act to appropriate money to pay the claim of W. T. Brown, or his executors or administrators.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, White, and Wilson—30.

NOES—Mr. Byrnes—1.

Title read and approved.

Assembly Bill No. 112—An Act to appropriate money to pay the claim of R. F. Del Valle.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Rose, Roth, Steele, Sullivan, Vrooman, and White—26.

NOES—Messrs. Byrnes and Spellacy—2.

Title read and approved.

Assembly Bill No. 113—An Act to appropriate money to pay the claim of B. F. Langford.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, McDonald, Murphy, Patterson, Rose, Roth, Sargent, Steele, Sullivan, Vrooman, White, and Wilson—29.

NOES—Messrs. Byrnes, Lenahan, and McCarthy—3.

Title read and approved.

Assembly Bill No. 114—An Act to appropriate money to pay the claim of Benjamin Knight.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Wilson—33.

NOES—None.

Title read and approved.

Assembly Bill No. 115—An Act to appropriate money to pay the claim of E. T. Wilkins.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Rose, Roth, Spellacy, Steele, Sullivan, Vrooman, White, and Wilson—31.

NOES—Mr. Byrnes—1.



Title read and approved.

MOTION.

Mr. White moved that when the Senate adjourns to-night it will stand adjourned until one o'clock and thirty minutes P. M. to-morrow.

Mr. Goucher moved to amend, by adding the following: "And that Assembly Bill No. 179 (76 on file) be made the special order for two o'clock P. M. to-morrow."

The amendment was consented to, and Mr. White's motion, so amended, was agreed to.

SPECIAL FILE—THIRD READING—(RESUMED).

Senate Bill No. 234—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Rose, Roth, Spellacy, Steele, White, and Wilson—28.  
NOES—Messrs. Abbott, Crimmins, Dray, Jones, Sargent, and Yell—6.

Title read and approved.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Senate Bill No. 291—An Act to prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods.

Senate Bill No. 48—An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Also, adopted and passed, as adopted, Assembly Substitute for Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board—and respectfully ask your concurrence therein.

Also, passed Senate Bill No. 387—An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also, Assembly Bill No. 456—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties, and to provide for the payment of the debt of Del Norte County, and for transcribing certain records.

FRANK D. RYAN, Chief Clerk.

Per Ed. J. SMITH, Assistant Clerk.

Also, March 2, passed Assembly Bill No. 107—An Act providing for the payment to D. Jordan, for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Also, passed Assembly Bill No. 252—An Act to add a new section to the Code of Civil Procedure, relating to the hearing of appeals in the Supreme Court.

Also, passed Assembly Bill No. 110—An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-seventh and thirty-eighth fiscal years.

Also, passed Assembly Bill No. 444—An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-eighth fiscal year.

Also, passed Senate Bill No. 354—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year.

Also, passed Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law, from December first, eighteen hundred and eighty-five, until June thirteenth, eighteen hundred and eighty-seven.

Also, passed Senate Bill No. 270—An Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Also, respectfully refused to recede from its amendments to Senate Bill No. 107—An Act to increase the number of Judges of the Superior Court of the County of Tulare, State of California, and for the appointment of an additional Judge.

Also, March 1, 1887, passed Senate Bill No. 431—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MAUSTON, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bills Nos. 431, 291, 48, 42, 387, 354, 408, and 270 referred to Committee on Enrollment.

Assembly Bill No. 456 referred to Committee on Counties, County Government, and Township Organization.

Assembly Bill No. 107 referred to Committee on Claims.

Assembly Bill No. 252 substituted for Senate Bill No. 169.

Assembly Bills Nos. 110 and 444 ordered placed on Special File.

#### LEAVE OF ABSENCE.

Mr. Clunie was granted leave of absence for the rest of the evening.

Mr. White moved to place Assembly Bills Nos. 110 and 444 on Special File.

So ordered.

Mr. Roth moved that a Committee of Conference, composed of Senators White, Haynes, and Roth, be appointed on Senate Bill No. 107, and that the Assembly be requested to appoint a like committee.

So ordered.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 180—Entitled an Act authorizing County Clerks in this State to take and certify affidavits for United States pension claimants, without the payment of fees or compensation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

Assembly Bill No. 180, above reported, ordered placed on Special File.

##### ON RIVER, HARBOR, AND COAST DEFENSES.

SACRAMENTO, February 17, 1887.

MR. PRESIDENT: Your Committee on River, Harbor, and Coast Defenses beg leave to submit the following report:

By appointment, at ten o'clock A. M., February 5, 1887, the Committee on River, Harbor, and Coast Defenses met at the Palace Hotel, San Francisco, Major-General O. O. Howard, United States Army, commanding the Division of the Pacific, and Colonel George H. Mendell, Corps of Engineers, United States Army, in charge of fortifications, and was taken by these gentlemen to visit the various fortifications about San Francisco Harbor.

The first point visited was Fort Mason. The fortifications here consist of two earthen barbette batteries (batteries, in which the guns are mounted so as to fire over the top of the parapet), hastily constructed during the civil war for temporary service. They are armed with obsolete ordnance, and in their present condition could form no part in the defense of the harbor.

At Alcatraz, the next point visited, the works are of a more prominent nature, but unfinished. Four 15-inch Rodman smooth bore guns are mounted, as are also a few minor

pieces. Since 1876 no work has been done on these fortifications, and they would form little more than a protection to the torpedoes which might be planted in the harbor.

At Angel Island are three earthen barbette batteries, built over twenty years ago. They were intended for temporary service, and are now in ruins; their ordnance is obsolete, and their gun carriages were long since condemned.

At Lime Point and its vicinity are three barbette batteries, well located, but unfinished. There is but one gun mounted in but one of these batteries.

Fort Winfield Scott is a brick casemated structure of three tiers, and platforms on top for mounting guns in barbette. It was commenced in 1853, and intended to withstand the navies of that day. There are in this building thirty-two 10-inch Rodman, sixteen 8-inch converted rifles, some few Columbiads, and about fifty-four other guns of obsolete pattern. The best gun in this fort—the 8-inch converted rifle—has, when fired with its service charge of powder, only a penetration of eight inches of wrought iron at 1,000 yards. A modern war vessel could lie out of range of the guns of this fort and with a few shots knock the entire structure to pieces, and render every one of the guns unserviceable.

On the hill, back of Fort Scott, is an earthen barbette battery, left unfinished in 1876. There are mounted in it eleven 15-inch Rodman guns. Their carriages are so old that the guns cannot be fired with their service charges, hence even their maximum effect is not attainable.

In the forts in the harbor are stored some torpedo cases, but these are not ready for use, nor is the number sufficient to properly plant the harbor.

The committee here quotes from the report of the Board on fortifications or other defenses, appointed by the President in 1885: "The coast fortifications, which in 1860 were not surpassed by those of any country for efficiency, either for offense or defense, and entirely competent to resist vessels of war of that period, have since the introduction of rifle guns of heavy power, and of armor plating in the navies of the world, become unable to cope with modern iron or steel-clad ships of war, far less to prevent their passage into ports destined for attack. Prior to 1860, the largest gun was the 10-inch Rodman, the energy of whose projectiles was some two thousand foot tons. The forts of that period were more than competent to resist its projectiles; it should form, therefore, no subject of reproach because at present they cannot withstand the shock of twenty thousand, thirty thousand, and forty-five thousand foot tons, without mentioning the new guns, which expect to deliver sixty-one thousand foot tons of energy."

In the past ten years, foreign nations have spent millions of money in perfecting heavy ordnance, so that now we would have to protect San Francisco against guns which will send over a ton of metal from the deck of a vessel nine miles away.

Modern war vessels are protected by iron armor too thick for any guns we have to penetrate.

During these years, in which the conditions of defense have totally changed, Congress has made no appropriations for the construction of fortifications capable of withstanding modern ordnance.

From 1875 to 1881 only one hundred thousand dollars was appropriated yearly for the repair and preservation of all the fortifications of our country. This was increased, in 1881, to one hundred and seventy-five thousand dollars yearly, and was found to be insufficient. So that our defenses are in worse condition to-day than they were eleven years ago.

San Francisco, the second harbor in importance in our country, has property subject to ransom, amounting to three hundred and fifty millions of dollars. The navies of England, Germany, Italy, Japan, and Chili, have vessels that could lie out of range of the guns of our forts and shell our city to destruction if their demands were not paid: received three thousand four hundred and thirty-five dollars in 1885 and 1886, for general repairs, and a special allotment of three thousand dollars for some particular repairs. Since July, 1886, she has received nothing. Recommendations for permanent defenses have been made, which include armored turrets, floating batteries, torpedo boats, mortar batteries, submarine mines, and modern ordnance of from eight inches to sixteen inches caliber. These defenses require time for their construction, and in addition to this, we are dependent for our armor and heavy ordnance upon foreign establishments.

We again quote: "The workshops of Europe, with all their facilities for turning out this material (heavy ordnance and armor), are now fully occupied by the demands upon them. Experience has shown that the few experimental orders already given from this country are filled only after long delays; and it is impossible to estimate the time required for the delivery of the large quantities we urgently need. Moreover, war would at once put a stop to such importations, and leave us helpless in the emergency."

On the other hand, if our Government, instead of building vaults to store away the nation's money, would place one or two of our navy yards in such a condition that instead of relying upon England for our cannon we could have all the facilities at home, not only giving employment to some four thousand or five thousand of our countrymen, encouraging home industries, promoting the nation's wealth, but also rendering our defenses independent of other countries. San Francisco may be shelled by vessels lying in the open sea two or three miles off the Cliff House, and there are no guns in this country of sufficient size and caliber to effectively meet this attack.

The committee finds that the fortifications of San Francisco are out of date, and inadequate for the defense of its harbor; that since 1876 no moneys have been appropriated which could be employed to improve these fortifications; that there is not a single modern gun on this coast, and no means of procuring them except by purchase abroad; that the gun carriages are of old style, and not adapted to modern warfare; that torpedoes might

be planted in interior channels, but that no means of exploding or protecting them exist. Even if heavy modern guns were in the East, from their great weight it would be impossible to transport them here over existing railroad bridges and trestles; and that if the defense of this harbor was now undertaken with full supply of means, it would be impossible to complete the projected system of defense, including the armament, in less than three years. San Francisco is now subject to bombardment from the open sea, without power of defense; her channels are open to the advance of a hostile fleet, and there are no means at hand to make serious resistance.

It is not the purpose of the committee to suggest plans of defense, but to call attention to our condition. We are totally unprotected, and it will require three years at least to protect us. While foreign nations have been experimenting with ordnance and armored defenses to withstand it, the United States has done nothing. Although it is impossible to predict what future improvements will bring forth in the way of ordnance, we can emphatically state that present improvements have rendered utterly worthless defenses projected years ago.

It is time, then, to arouse ourselves and ask for that protection which Congress owes us. The people are taxed in order that Congress may pay the debts and provide for the common defense and general welfare of the United States. Our defense has not been provided for, and yet there is complaint that no way is known to use the money flowing into the Treasury.

Our fortifications are years behind those of the other great nations of the earth, and yet Congress, until recently, has remained inactive and heedless. We are all apt to overlook the vast expenditures of life and money which our wars have cost us, and fasten our attentions upon the results obtained. This past policy has made our military history a succession of blunders, to prevent a recurrence of which we must accept and act upon the maxim, "In peace prepare for war."

Your committee recommend that our Senators be instructed and our Congressmen be requested to immediately urge such appropriation as will protect our harbors against all foreign invasions.

B. F. LANGFORD, Chairman.  
P. J. CRIMMINS,  
J. R. SPELLACY,  
T. J. PINDER,  
J. D. BYRNES.

PHILIP S. FAY, Secretary.

On motion of Mr. Langford, five hundred copies of the report of the Committee on Rivers, Harbors, and Coast Defenses, were ordered printed.

#### SPECIAL FILE—SECOND READING.

Assembly Bill No. 464.

Mr. Caminetti moved to place said bill at the foot of Special File for first reading.

So ordered.

Mr. Goucher moved that Assembly Bill No. 107, identical with Senate Bill No. 86, take the place of Senate Bill No. 86 (102 on file).

So ordered.

#### REPORT—(OUT OF ORDER).

By Mr. Meany: A voluminous report from the Joint Committee on Claims, received, and three hundred copies thereof were ordered printed. (For report see Appendix.)

#### SPECIAL FILE—SECOND READING—(RESUMED).

Senate Bill No. 437.

Mr. Caminetti moved to amend as follows: amend section one, by striking out all after the words "shall be," on line twenty, printed bill, down to and including the word "Code," on line twenty-two, and insert the following: "twenty-five hundred dollars a year. He may appoint a deputy, to receive a salary of one hundred dollars per month."

Adopted.



Bill so amended, ordered engrossed, and to a third reading.

Senate Bill No. 426.

Mr. Hinshaw offered a substitute for the entire bill.

Substitute adopted, ordered engrossed, and to a third reading.

#### MOTION.

On motion of Mr. Crandall, Assembly Bill No. 523 (34 on file) was substituted for Senate Bill No. 89 (20 on file).

Mr. Caminetti in the chair.

Assembly Bill No. 523 read second time, and ordered to a third reading.

Assembly Bill No. 390 read second time, and ordered to a third reading.

Assembly Bill No. 232 read second time, and ordered to a third reading.

Senate Bill No. 54.

Mr. White moved to amend as follows: in line seven, printed bill, strike out "three thousand," and insert, in lieu thereof, "twenty-four hundred."

Adopted.

Also, on line eight, of printed bill, strike out "eighteen," and insert, in lieu thereof, "fifteen."

Adopted.

So amended, the bill was ordered engrossed, and to a third reading.

Senate Bill No. 37 passed on file.

Assembly Bill No. 138—An Act to amend sections six and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, so as to create one additional district.

Bill amended, and passed on file.

Mr. Gesford moved to reconsider the vote whereby Assembly Bill No. 138 was passed on file.

So ordered.

Mr. Gesford moved that the bill and pending amendments be referred to a select committee, consisting of Messrs. Sargent, Roth, Haynes, and Steele, with instructions to agree upon amendments to the bill, and report to the Senate as soon as possible.

So ordered.

#### SPECIAL FILE—SECOND READING—(RESUMED).

Assembly Bill No. 29—An Act to amend sections two thousand six hundred and forty-one, two thousand six hundred and forty-two, and two thousand six hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the powers and duties of highway officers, to the appointment of, and oath, and bond of Roadmasters or Road Overseers.

Committee amendment as follows: amend by inserting the words "salary or," between the words "his" and "per diem," in line next to the last line of section two thousand six hundred and forty-one.

Adopted.

Mr. Crandall moved to amend, by striking out of section one, line twenty, the words "must be," and inserting, instead, the following:

"may be appointed by the Board of Supervisors, so direct there may be elected."

Lost.

Mr. Crandall appealed from the decision of the Chair in declaring his amendment lost.

A vote being had upon the appeal, the Chair was sustained.

By Mr. Abbott: amend section two thousand six hundred and forty-two, line thirty-one, by inserting after the word "has," the word "nor."

Adopted.

Mr. Moffitt moved a suspension of the rules, in order to allow Mr. Sullivan to introduce a resolution.

Lost.

Mr. Meany moved to pass Assembly Bill No. 29 upon the file.

Lost.

Assembly Bill No. 29 read second time, and ordered to a third reading.

Assembly Bill No. 92 read second time.

Mr. Gesford moved to amend section one, by striking out "Notary Publics," line seven, and insert, in lieu thereof, the words "Notaries Public."

Adopted.

#### CONSIDERATION OF ASSEMBLY BILL No. 138—(RESUMED).

The select committee reported the following amendments to Assembly Bill No. 138:

Amend section one, by inserting in line one, and before the word "six," the word "four," and after the word "six," the word "seven," and after the word "follows," in line ten, by adding the following:

SEC. 4. The Counties of Sonoma and Marin shall constitute Agricultural District No. 4, and the Counties of Solano and Napa shall constitute Agricultural District No. 25.

Amend, further, by inserting, after line eight, page two, the following:

SEC. 7. The Counties of Monterey and San Benito shall constitute Agricultural District No. 7. The County of Santa Cruz shall constitute Agricultural District No. 14. The County of San Luis Obispo shall constitute Agricultural District No. 16.

Amend, further, by inserting after the word "eight," in line five, page two, the following: "*provided*, that the meetings of the society shall alternate between the counties constituting Agricultural District No. 8."

Amend by adding a new section as follows:

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

The above amendments were adopted.

The bill, so amended, was ordered to a third reading.

Mr. Gesford moved that all amendments offered to the bill before its reference to the select committee, whether adopted or not, be declared withdrawn.

So ordered.

Assembly Bill No. 106 was read the second time, and ordered to a third reading.

Mr. Yell moved to substitute the Assembly County Government Bill No. 323 and others accompanying it for Senate Bill No. 276 (32 on Special File), and have them read the first time.

So ordered.

#### FIRST READING OF BILLS PROCEEDED WITH.

Assembly Bill No. 323 read first time.

Assembly Bill No. 256 read first time.

Senate Bill No. 61 read first time.

Assembly Bill No. 110 read first time, and ordered on Special File.

Assembly Bill No. 258 read first time.

Assembly Bill No. 422 read first time.

Senate Bill No. 406 read first time.

Senate Bill No. 358 read first time.

Senate Bill No. 198 read first time.

Senate Bill No. 346 read first time.

Senate Bill No. 357 read first time.

Senate Bill No. 158 read first time.

Assembly Bill No. 395 read first time.

Assembly Bill No. 259 read first time.

Assembly Bill No. 444 read first time.

Assembly Bill No. 262 read first time.

Senate Bill No. 218 read first time.

Senate Bill No. 356 read first time.

Senate Bill No. 418 read first time.

Senate Bill No. 419 read first time.

Assembly Bill No. 252 read first time, and ordered on Special File.

Assembly Bill No. 120 read the second time, and ordered to a third reading, and to take its place at the foot of General File, third reading.

Senate Bill No. 223 read second time, ordered engrossed, and to a third reading.

Mr. Sullivan moved a call of the Senate.

The Chair directed a roll call to be had, in order to ascertain whether or not there was a quorum present.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Byrnes, Caminetti, Gesford, Hall, Hinshaw, Lenahan, McCudden, Pinder, Roth, Sargent, Sullivan, Walrath, White, and Yell.

#### ADJOURNMENT.

There not being a quorum present, Mr. Walrath moved to adjourn.  
So ordered.

And thereupon, at twelve o'clock, midnight, the Senate stood adjourned until to-morrow, at one o'clock and thirty minutes p. m.

## IN SENATE.

SENATE CHAMBER,  
 Thursday, March 3, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Reading and approval of Journal of yesterday made special order for seven o'clock and thirty minutes p. m.

## REPORTS OF STANDING COMMITTEES.

## ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 287 have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WHITE, Chairman.

## ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 441—Entitled an Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MC CUDDEN, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bills Nos. 186, 425, 359, 437, 426, and 54.

SPELLACY, Chairman.

## ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Assembly Bill No. 456 have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

## ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. SPEAKER: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 16—An Act to prohibit the sale of prepared opium, opium pipes, or parts thereof.

Also, Assembly Bill No. 81—An Act relative to the compensation of the Mayor and members of the Common Council of cities containing a population not exceeding ten thousand.

Also, Senate Bill No. 353—An Act to amend section one hundred and sixty-seven of an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, relating to the compensation of county and township officers.



and to fix and limit the fees and compensation of Justices of the Peace and Constables in criminal cases in counties of the fifth class.

Also, Senate Bill No. 299—An Act providing for the prevention of conflagrations, and the protection of property saved from fire, in all cities, or cities and counties, whose population exceeds one hundred thousand inhabitants.

Also, Senate Bill No. 352—An Act to provide for the establishment of Police Courts in all cities of this State containing over ten thousand and less than one hundred thousand inhabitants, to prescribe the duties of the Judge of such Court, to provide for the compensation of the Judge thereof, and the disposition of fines and forfeits by him collected, and to provide for the election and appointment of such Judge.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

#### ASSEMBLY MESSAGES.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz:

Assembly Bill No. 216—An Act to amend section two hundred and sixty-eight of the Political Code of the State of California, relating to per diem of officers and attachés of Senate and Assembly.

Assembly Bill No. 197—An Act to authorize and empower the Board of Trustees of the Napa State Asylum for the Insane to sell and convey a portion of real property situate in Napa County, in the State of California, and belonging to said State, to Napa County, for the purpose of a public highway, and to sell and convey a certain other portion of said tract to an individual or individuals.

Assembly Bill No. 157—An Act to amend section one thousand three hundred and thirty of the Code of Civil Procedure of the State of California, concerning the contest of the probate of wills.

Assembly Bill No. 221—An Act to repeal sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, two thousand four hundred and sixty-nine, two thousand four hundred and seventy, and two thousand four hundred and seventy-one of an Act to establish a Civil Code, approved March 21, 1872, relating to partnerships.

Assembly Bill No. 224—An Act to amend section one thousand six hundred and forty-six of the Code of Civil Procedure of California, relating to funeral expenses, expense of last sickness, and the purchase and improvement of a grave lot for the decedent.

Assembly Bill No. 155—An Act relating to estrays.

FRANK D. RYAN, Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 216, referred to Committee on Finance.

Assembly Bill No. 197, ordered at foot of Special File.

Assembly Bills Nos. 157, 221, 224, and 155, referred to Committee on Judiciary.

#### REPORT OF STANDING COMMITTEE.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 120 and 217.

DIXON, Acting Chairman.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 3, relative to the withdrawal of Government timber lands from sale.

Also, passed the following bills:

Assembly Bill No. 59—An Act to pay the claim of Edward J. Smith.

Assembly Bill No. 58—An Act to pay the claim of Jessie A. Galland.

Assembly Bill No. 57—An Act to pay the claim of J. F. Gawthorne.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Also, March 3, 1887, concurred in amendments of Senate to following bills:

Assembly Bill No. 8—An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code in relation to insurance," approved April 1, 1878.

Assembly Bill No. 111—An Act to appropriate money to pay the claims of W. T. Brown, or his executors or administrators.

Assembly Bill No. 10—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two, relating to insurance, and to the investment of the capital stock and accumulations of insurance companies.

Assembly Bill No. 135—An Act for the remuneration of Elisha O. Crosby, for money advanced to and for the State of California.

Also, have appointed Assemblymen Butler, Wright, and Brierly, as a Committee of Conference, to confer with the Senate committee upon amendments made to Senate Bill No. 107—An Act to increase the number of Judges of the Superior Court of the County of Tulare, State of California, the appointment of an additional Judge, fix his place of residence and of holding Court.

FRANK D. RYAN, Chief Clerk.  
Per F. W. MARSTON, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Concurrent Resolution No. 3 referred to Committee on Enrollment.

Assembly Bills Nos. 59, 58, and 57 ordered on file, and to a first reading.

Also, concurred in Senate amendments to Assembly Bills Nos. 8, 111, 10, and 135.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Dray:

*Resolved*, That Martin Steinmetz be and is hereby allowed the sum of two dollars per day during the session of the Legislature, for lighting and caring for the gaslights of the Senate Chamber, and the Controller is hereby authorized to draw his warrant on the Contingent Fund of the Senate in payment for the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Gesford:

*Resolved*, That the Committee on Commerce and Navigation be and they are hereby instructed to report Assembly Bill No. 1 to the Senate immediately after the roll call at this evening's session of the Senate.

Adopted.

By Mr. Briceland:

*Resolved*, That Willie B. Ayer, for services rendered the Senate and File Clerk of the Senate, be and is hereby allowed the per diem of four dollars, to be paid out of the Contingent Fund of the Senate, from January third, and the Controller is hereby directed to draw his warrant for said sum.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### NOTICE.

By Senator Vrooman:

Notice is hereby given that, on to-morrow, I will introduce a resolution to amend the Standing Rules of the Senate, as follows, to wit:

Amend Rule 24, so that it shall read as follows:

24.

*Senators must Address the President.*

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any

one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

Also, to strike out Rule 50, and the whole thereof.

#### MOTION.

Mr. Murphy moved the appointment of a special committee, to consist of Messrs. Patterson and Caminetti, whose duty it shall be to investigate, and, if possible, ascertain the whereabouts of Senate Bill No. 194.

The question arising whether the committee clerks of the Senate shall be further retained or not.

Mr. McCarthy moved that said clerks be further retained.

So ordered.

#### RESOLUTION—(OUT OF ORDER).

By Mr. White:

*Resolved*, That Mr. H. S. Day be and he is hereby appointed Assistant Journal Clerk, at the same rate per diem allowed Journal Clerk.

On the adoption of the resolution, the roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Byrnes, Clunie, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—29.

NOES—MESSRS. Caminetti and Chandler—2.

#### SPECIAL ORDER.

Assembly Bill No. 179—An Act entitled an Act to create the County of Glenn, to establish the boundaries thereof, and to provide for organization.

The question being upon the second reading of the bill.

Mr. Jones moved a call of the Senate.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Vrooman was granted one day's leave of absence.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Further proceedings under the call of the Senate dispensed with.

Upon the question, "Shall the bill be read a second time?"

The roll was called, and the bill was refused a second reading by the following vote:

AYES—MESSRS. Abbott, Briceland, Clunie, Crandall, Gesford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Spellacy, Sullivan, Walrath, and Yell—18.

NOES—MESSRS. Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Rose, Sargent, Steele, White, and Wilson—21.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Goucher gave notice that he would, on to-morrow, move a reconsideration of the vote just had, whereby the Senate refused a second reading to Assembly Bill No. 179.

## MOTION.

Mr. Patterson moved to take up the motion to reconsider the vote whereby Senate Bill No. 51 was passed, notice of which was given by Mr. Clunie at yesterday's session.

Mr. Moffitt moved, as an amendment to Mr. Patterson's motion, that said notice and motion to reconsider be set for eight o'clock and thirty minutes this evening.

So ordered.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By unanimous consent, the following bills were introduced:

By Mr. Moffitt: Senate Bill No. 446—An Act to appropriate money to meet the contingent expenses of the Senate for its twenty-seventh session.

Also, Senate Bill No. 447—An Act appropriating money to meet the deficiency in the appropriation to pay the per diem and mileage of the Lieutenant-Governor and State Senators for the twenty-seventh session of the Legislature.

Mr. Moffitt moved to suspend the provisions of section fifteen, of Article IV, of the Constitution, requiring bills to be read on three several days, and that Senate Bills Nos. 446 and 447 be declared cases of urgency.

So ordered.

Thereupon, Senate Bills Nos. 446 and 447 were severally read first and second times, considered engrossed, read third time, and passed.

Senate Bill No. 446 was passed by the following vote:

AYES—Messrs. Bowers, Byrnes, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Wilson—27.  
 NOES—Mr. Yell—1.

Title read and approved.

Senate Bill No. 447 was passed by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonnell, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, and Wilson—28.  
 NOES—Mr. Yell—1.

Title read and approved.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine.



Assembly Bill No. 19—An Act to amend an Act entitled an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1871, providing for a change, and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of portions of the indebtedness of said counties, equitably chargeable to San Benito County.

Assembly Bill No. 233—An Act to provide for the deficiency in the appropriation for the payment of costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year, to pay the claim of Arthur Rodgers.

Assembly Bill No. 280—An Act fixing the maximum daily charges for hotel expenses to be paid by the State.

Assembly Bill No. 211—An Act to repeal an Act entitled "An Act to declare the Klamath River navigable."

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Also, March 3, 1887, passed Senate Bill No. 216—An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of all property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purpose, and for the creation of trusts necessary or proper for the better preservation of such institutions and the control and management thereof.

Also, passed Substitute for Assembly Bill No. 129—An Act for the relief of George Nightingale, Michael Ryan, Joseph Rosa, Bridget Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Anna Elizabeth Sneider, Eliza Kelleher, William J. Nightingale, Margaret Coogan, Bridget L. Ryan, Elizabeth Overend, Thomas Dillon, Patrick Garrigan, Bridget P. Houston, Timothy Murphy, James McGeough, Otis Berge, James Hartford, and Ellen McArevey, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall, along the Port of San Francisco, in the State of California.

FRANK RYAN, Chief Clerk.  
Per FRANK W. MARSTON, Assistant Clerk.

Mr. Caminetti in the chair.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bills Nos. 219 and 216 severally ordered to enrollment.

Assembly Bill No. 19 referred to Committee on Counties, County Government, and Township Organization.

Assembly Bills Nos. 280 and 129 severally referred to Committee on Claims.

Mr. Jones moved that all Assembly Bills reported in the future be ordered on file, in the order reported, save and excepting those which should go to the Finance Committee.

So ordered.

#### CALL OF THE SENATE.

Mr. Lenahan moved a call of the Senate.

Ayes and noes demanded on the motion for a call of the Senate, by Messrs. Lenahan, McCarthy, and Pinder, and the motion prevailed by the following vote:

AYES—Messrs. Byrnes, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Haynes, Hinshaw, Jones, Lenahan, McCarthy, Moffitt, Roth, Sargent, Spellacy, Sullivan, and Walrath—18.

NOES—Messrs. Bowers, Briceland, Caminetti, Gesford, Langford, McDonald, Patterson, Rose, Steele, White, Wilson, and Yell—12.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell.

The doors were closed, and a list of absentees furnished the Sergeant-at-Arms, who thereafter appeared at the bar of the Senate, having in charge Senators Boggs and Goucher, who each were excused for their absence without leave, when a call of the Senate was had.

On motion of Mr. White, further proceedings under the call were dispensed with.

Mr. Briceland moved a recess until seven o'clock and thirty minutes this evening.

Temporarily withdrawn.

Mr. White moved that when the Senate adjourns to-day it adjourn until to-morrow, at ten o'clock A. M., at which time the order of business shall be as follows: Immediately after the reading of the Journal, the special orders now set for to-day and night shall be taken up in the order in which they are at present set, and disposed of in that order.

Mr. Patterson moved, as a substitute, that the Senate do now take up and consider the motion to reconsider the vote whereby the Senate passed Substitute for Senate Bill No. 51.

Mr. Moffitt moved the previous question.

Ayes and noes demanded by Messrs. Moffitt, Pinder, and Wilson, and the previous question ordered by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Wilson—29.

NOES—Messrs. Abbott, Byrnes, Clunie, Crimmins, Jones, Vrooman, Walrath, and Yell—8.

Under the operation of the previous question, the Chair stated that the question before the Senate was Mr. Patterson's motion.

Mr. Moffitt interposed the point of order, that the previous question only applied to Mr. White's motion.

The Chair ruled the point of order not well taken.

Mr. Dray appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Dray, Meany, and Bowers, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Conklin, Crimmins, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Meany, Patterson, Rose, Sargent, Vrooman, Walrath, White, Wilson, and Yell—24.

NOES—Messrs. Chandler, Crandall, Dixon, Dray, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, and Steele—13.

The question being upon Mr. Patterson's motion.

The ayes and noes were demanded by Messrs. Meany, Bowers, and Yell, and the motion was lost by the following vote:

AYES—Messrs. Abbott, Caminetti, Conklin, Hall, Jones, McDonald, Patterson, Vrooman, and Walrath—9.

NOES—Messrs. Boggs, Bowers, Briceland, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, Wilson, and Yell—23.

Mr. Gesford, who would have voted "no," was paired with Mr. Goucher, who would have voted "aye."

The question leading to Mr. White's motion.

The ayes and noes were demanded by Messrs. Dray, Meany, and Pinder, and Mr. White's motion prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, Wilson, and Yell—26.

NOES—Messrs. Abbott, Briceland, Byrnes, Caminetti, Conklin, Hall, Haynes, Jones, McDonald, Patterson, Vrooman, and Walrath—12.

Mr. Briceland renewed his motion to take a recess until seven o'clock and thirty minutes this P. M.

Mr. Wilson moved, as an amendment, that the Senate adjourn till ten o'clock A. M. to-morrow.

The question being upon Mr. Briceland's motion, it involving the shortest time.

The ayes and noes were demanded by Messrs. Meany, Bowers, and Pinder, and the motion was lost by the following vote:

AYES—Messrs. Abbott, Briceland, Byrnes, Caminetti, McDonald, Patterson, and Walrath—7.

NOES—Messrs. Boggs, Bowers, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—31.

#### ADJOURNMENT.

The question recurring upon the amendment of Mr. Wilson, a vote was had, and the amendment was adopted.

Thereupon, at five o'clock and thirty minutes P. M. the Senate stood adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Friday, March 4, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Chandler, Clunie, Crimmins, Dixon, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Journals of March second and third read, corrected, and approved.

#### REPORT OF SELECT COMMITTEE—(OUT OF ORDER).

By Mr. Caminetti, as follows:

SENATE CHAMBER, SACRAMENTO, March 3, 1887.

MR. PRESIDENT: Your committee, appointed to ascertain why Senate Bill No. 194, which passed the Senate February 26, 1887, was not transmitted to the Assembly, submit the following report:

We find, from the record, that the bill is marked as having been duly transmitted immediately after passage. After that entry the record in the Senate is silent. We are informed by the clerks at the desk that after a thorough overhauling, the bill was found among the bills refused passage in this body. How it got there, cannot be ascertained. Your committee has no reason to believe that its delay was intentionally caused by any officer of

this body. In the multiplicity of business, and consequent overwork lately imposed upon the clerks at the desk, it must have been accidentally mislaid. The committee further report, that the bill has since been transmitted to the Assembly.

A. CAMINETTI.  
W. H. PATTERSON.

Adopted.

Mr. Murphy rose to a question of privilege, and stated that his remarks yesterday, on his motion to appoint a special committee, might be construed as a reflection upon the officers of the Senate behind the desk. He disclaimed any intention, in any way, shape, or manner, to reflect upon them; he believed them to be conscientious and efficient in the discharge of their duties.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 461—Entitled an Act to provide for the support of the public schools of the State of California, by permanent levy and rate of taxation—report the same back, and recommend that it do not pass.

MOFFITT, Chairman.

##### ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 3, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the bill of Smith & Young for repairing filter for the Senate—report the same back, and recommend that the sum of two dollars and fifty cents be paid, the amount contracted for, and the Controller be and he is hereby directed to draw his warrant for the said amount, payable out of the Contingent Fund of the Senate.

On the adoption of the committee's recommendation, the roll was called, and the recommendation that the sum of two dollars and fifty cents, as aforesaid, be paid, was carried by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—36.

NOES—Mr. Goucher—1.

Also, the following:

*Resolved*, That the Controller of State be and is hereby authorized and directed to draw his warrant in favor of J. M. Briceland, for mileage account of Senate Committee on Hospitals, for the sum of three hundred and eighty dollars, as per statement herewith: Senators Briceland, Patterson, McCarthy, and clerk of the committee, to Los Angeles and back, nine hundred and fifty miles, ninety-five dollars each; total, three hundred and eighty dollars.

Report the same back, and recommend that it do pass.

The roll was called, and the resolution reported by the committee adopted by the following vote:

AYES—MESSRS. Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—Mr. Steele—1.

Also, the following:

*Resolved*, That Felix Carlos be and he is hereby allowed six days' pay as Gatekeeper of the Senate Chamber, from the third day of January to the eighth day of January, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Report the same back, and recommend that it do not pass.



On the adoption of the resolution reported the roll was called, and the resolution lost by the following vote:

AYES—Messrs. Clunie, Lenahan, McCarthy, Moffitt, Sullivan, Walrath, and Yell—7.  
 NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, H. B. Haynes, Hinshaw, Jones, McCudden, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, White, and Wilson—28.

Also, the following:

*Resolved*, That John W. Wilcox, Sergeant-at-Arms, and T. B. Mortee, Clerk to the Sergeant-at-Arms, be and they are hereby allowed three days' pay, from the third day of January to the fifth day of January, at a per diem of eight dollars each, payable out of the Contingent Fund of the Senate.

*Resolved further*, That Wm. S. O'Brien, Assistant Clerk to the Sergeant-at-Arms, be and he is hereby allowed six days' pay, from the third day of January to the eighth day of January, at a per diem of eight dollars, payable out of the Contingent Fund of the Senate.

Report the same back, and recommend that it do not pass, for the reason that temporary attachés were paid for said above dates.

On the adoption of the report the roll was called, and the report adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, McCudden, McDonald, Meany, Murphy, Rose, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—29.  
 NOES—Messrs. Clunie, Lenahan, McCarthy, Moffitt, and Sullivan—5.

Also, the following:

*Resolved*, That Luke Kavanaugh be and he is hereby allowed the sum of forty-eight dollars, payable out of the Contingent Fund of the Senate, for services rendered the Committee on Claims, as stenographer, and the Controller is hereby directed to draw his warrant for said sum.

Report the same back, and recommend that it do pass.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Conklin, Crandall, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Sullivan, Walrath, White, and Wilson—31.  
 NOES—Messrs. Caminetti, Steele, and Vrooman—3.

Also, the following:

*Resolved*, That the State Controller be and he is hereby authorized to draw his warrant in favor of D. J. McCarthy, Chairman of Committee on Military Affairs, for mileage to Los Angeles, for Messrs. Yell, Spellacy, Wilson, Crimmins, Jones, McDonald, and McCarthy, also Clerk Pendegast, at the rate of ninety-five dollars and sixty cents each.

Report the same back, and recommend that it do pass.

MURPHY, Chairman.

The roll was called, and resolution reported was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Sullivan, Walrath, White, and Wilson—28.  
 NOES—Messrs. Caminetti, Steele, and Vrooman—3.

#### LEAVE OF ABSENCE.

Mr. Goucher was, at his request, granted temporary leave of absence.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Sullivan, as follows:

*Resolved*, That Miss Mary Mails be allowed extra pay for the period of seven days from and after the date of final adjournment of the twenty-seventh session of the Legislature,

at the same per diem which she is now receiving, for services to be rendered by her in remaining at the Post Office in the Capitol, and taking care of and forwarding to the Senators all mail delivered after such adjournment, and the Controller is hereby authorized and directed to draw his warrant in favor of said Mary Mills, for said seven days, and the Treasurer is hereby directed to pay the same.

On the adoption of the above resolution the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—Mr. Hall—1.

#### ANNOUNCEMENT.

The President announced that Senators who had procured copies of the Codes from the office of Secretary of State must return the same forthwith, or else the price of the Codes will be deducted from this week's pay.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Goucher, as follows:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to turn over all the property, books, and papers of his office, to the Secretary of State, at the close of the session of the Senate, taking the receipt of the Secretary of State for the same. Upon production of the said receipt, the Controller of the State is hereby directed to draw his warrant for the sum of seventy-five dollars, in favor of John W. Wilcox, Sergeant-at-Arms, payable out of the appropriation for the Contingent Fund of the Senate, and the Treasurer of the State is hereby directed to pay the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, McCudden, McDonald, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—28.

NOES—None.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly reëngrossed:

Assembly Bill No. 13.

SPELLACY, Chairman.

#### REPORT—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Assembly Bill No. 129—An Act for the relief of George Nightingale, Michael Ryan, Joseph Rosa, Bridget Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Anna Elizabeth Sneider, Eliza Kelleher, William J. Nightingale, Margaret Coogan, Bridget L. Ryan, Elizabeth Overend, Thomas Dillon, Patrick Garrigan, Bridget F. Houston, Timothy Murphy, James McCicough, Otis Berge, James Hartford, and Ellen McArevey, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall, along the Port of San Francisco, in the State of California.

Also, Assembly Bill No. 263—An Act to provide for the deficiency in the appropriation for the payment of costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year, to pay the claim of Arthur Rodgers.

Report the same back, and recommend that they do pass.

MEANY, Chairman.

## MOTION.

Mr. White moved that the consideration of the contested election case of Ryland vs. Conklin be postponed until Monday next, at two o'clock and thirty minutes P. M.

Ayes and noes demanded by Messrs. Abbott, Pinder, and Goucher.

Mr. Wilson moved, as an amendment, that said contested election case be made the special order for this evening, at seven o'clock and thirty minutes.

Mr. Abbott moved, as a substitute, that the contested election case referred to be taken up for consideration at this time.

Mr. Abbott moved a call of the Senate.

Ayes and noes demanded by Messrs. Abbott, Patterson, and Pinder, and a call of the Senate was ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—37.

NOES—Mr. Briceland—1.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion, further proceedings under the call were dispensed with.

Whereupon, the Chair announced a recess, under the rule, until one o'clock and thirty minutes P. M.

## REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Vrooman, Walrath, White, Wilson, and Yell.

Mr. Murphy moved to take up and refer Senate Bill No. 437 (1 on file) to a select committee, to consist of Mr. Caminetti, with special instructions to amend, and report back the bill, amended as follows:

So ordered.

Amend section one, by striking out all after the word "year," on line twenty-one, down to and including the word "salary," on line twenty-four, printed bill, and insert the following: "and he may appoint a deputy, to receive a salary of one hundred dollars per month; said salaries are payable as the salaries of other State officers are paid, and the sum to pay the same is hereby annually appropriated out of the General Fund of the State Treasury;" also, amend section one, by striking out, on lines thirty-one and thirty-two, printed bill, the following words: "and the Controller is directed to draw his

warrant for the amount so allowed," and insert the following: "and such sums so audited and allowed by the State Board of Examiners, together with the amount allowed by them for the other expenses of the Commissioner, is hereby permanently appropriated out of the General Fund of the State Treasury," also, amended by inserting, after the word "penalties," on line thirty-four, printed (all, the following: "within ten days after the approval of this Act."

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By Mr. McCarthy:

— 1948 —

Mr. FLEMING: Your presentation on Military Affairs, especially your National Association, No. 18, "AN ACT entitled 'An Act to amend various laws relating to the raising and bearing the largest American Army of the Republic in this State,' and also to supply the arms, accoutrements and equipment of the militia."

M. C. ALFHEIM, JR.

Mr. Abbott raised the point of order, that the question before the Senate was upon his motion, pending when the Senate took a recess, namely, that the Senate proceed with the consideration of the contested election case of Ryland vs. Conklin.

The Chair sustained Mr. Abbott, and stated the question before the Senate.

Mr. White moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

[illegible]

Mr. Yell moved that further proceedings under the call be dispensed with.

So ordered.

The question being upon the motion of Mr. Abbott, that the Senate proceed to the consideration of the contested election case of Ryland vs. Conklin.

The roll was called, and the motion rejected by the following vote:

APR. 1965] MASON: *Spiders of the Genus Chiracanthus* (Gibb) and Haynes

James, Murray, Angus, Eugene, Edmund, Cameron, Lawrence, George, James, John, John, Charles, Henry, James, Lawrence, M. Bentley, M. Graham, M. Donald, Henry, Murray, Victor, John, Samuel, Stephen, Sullivan, White, and York. 29

The question recurring upon the motion of Mr. White, in effect that said contested election case of Ryland vs. Conklin, be postponed until Monday next, at two o'clock and thirty minutes P. M.

The roll was called, and the motion of Mr. White was carried by the following vote:

Author: Maryann Baggis, Bureau Development Coordinator, Community Planning & Development, HUD  
 Editor: Kimberly Hayslett, Bureau Development Coordinator, Community Planning & Development, HUD  
 Manager: Martha J. Proctor, P.H., Secretary, Systems, Southern, Western, and Yukon Div.

terron, Rose, Steele, Vrooman, Walrath, and Wilson--14.



## MOTION TO RECONSIDER.

Mr. Goucher, pursuant to previous notice, moved to reconsider the vote whereby the Senate, on yesterday, refused to order to a second reading Assembly Bill No. 179.

Mr. Clunie moved to take up the motion made by Mr. Patterson, on yesterday, to reconsider the vote whereby the Senate, on Wednesday last, passed Senate Bill No. 51, the consideration of said motion having been set for eight o'clock and thirty minutes last evening, and afterwards, under resolution introduced by Mr. White, set with other special orders for to-day.

Pending the question as to which of said motions to reconsider should take precedence.

Mr. Chandler moved that the motion to reconsider the vote whereby Senate Bill No. 51 was passed be first disposed of, and it was so ordered.

Upon the motion to reconsider the vote whereby Senate Bill No. 51 was passed, the ayes and noes were demanded by Messrs. Patterson, Caminetti, and Boggs, and the motion to reconsider passed by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Wilson, and Yell—24.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Jones, Moffitt, Patterson, Vrooman, Walrath, and White—16.

Mr. Chandler moved to strike out the enacting clause of said Senate Bill No. 51.

Mr. Goucher raised the point of order, that his motion, to reconsider the vote whereby the Senate, on yesterday, refused to order to a second reading Assembly Bill No. 179, takes precedence over the motion of Mr. Chandler to strike out the enacting clause of Senate Bill No. 51.

The Chair decided the point of order not well taken.

Mr. Goucher appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Caminetti, Wilson, and Dray, and the Senate refused to sustain the Chair by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Langford, Lenahan, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Yell—19.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Hinshaw, Jones, McDonald, Moffitt, Murphy, Patterson, Vrooman, Walrath, White, and Wilson—20.

The question being upon the motion of Mr. Goucher, to reconsider the vote whereby the Senate refused to order to a second reading Assembly Bill No. 179.

The ayes and noes were demanded by Messrs. Goucher, Boggs, and Meany, and the motion to reconsider was lost by the following vote:

AYES—Messrs. Abbott, Briceland, Clunie, Crandall, Gesford, Goucher, Hall, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Spellacy, Sullivan, and Walrath—18.

NOES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Haynes, Hinshaw, Jones, Langford, McCudden, Rose, Roth, Sargent, Steele, Vrooman, White, Wilson, and Yell—22.

Mr. Chandler called for a vote on his motion to strike out the enacting clause of Senate Bill No. 51.

Mr. White moved that all who are not members of the Senate, and are not entitled to seats within the bar of the Senate, be excluded therefrom.

So ordered.

Mr. Chandler renewed his call for a vote, as aforesaid, on Senate Bill No. 51.

Mr. Caminetti moved to postpone the special order until to-morrow, at ten o'clock A. M.

Mr. Dray called for the previous question.

Mr. Walrath moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion, further proceedings under the call were dispensed with.

Mr. Yeil raised the point of order that the motion for the previous question was the only motion before the Senate.

Mr. Caminetti insisted upon his motion to postpone.

The Chair ruled that Mr. Caminetti's motion to postpone was out of order.

Mr. Caminetti appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Caminetti, Yell, and Dray, and the Chair was sustained by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Langford, Lenahan, McCarthy, McCudden, Meany, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, Wilson, and Yell—22.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Hinshaw, Jones, McDonald, Moffitt, Murphy, Patterson, Vrooman, and Walrath—18.

Mr. Caminetti moved to adjourn.

The Chair ruled that the motion to adjourn was out of order at this time.

Mr. Caminetti appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Chandler, Caminetti, and Walrath, and the Chair was sustained by the following vote:

AYES—Messrs. Boggs, Bowers, Chandler, Clunie, Crandall, Dixon, Dray, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Yell—22.

NOES—Messrs. Abbott, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Gesford, Goucher, Hall, Haynes, Jones, McDonald, Moffitt, Murphy, Patterson, Vrooman, Walrath, and Wilson—18.

Mr. Jones moved the previous question.

Upon the demand for the previous question, the ayes and noes were

demanding by Messrs. Dray, Jones, and Walrath, and the previous question was ordered by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, Wilson, and Yell—32.

NOES—MESSRS. Caminetti, Conklin, Crimmins, McDonald, Murphy, Patterson, Vrooman, and Walrath—8.

The question being upon the motion of Mr. Chandler, to strike out the enacting clause of Senate Bill No. 51.

The ayes and noes were demanded by Messrs. Chandler, Dray, and Gesford, and the motion to strike out the enacting clause of said bill prevailed by the following vote:

AYES—MESSRS. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, Wilson, and Yell—22.

NOES—MESSRS. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Jones, McDonald, Meany, Moffitt, Murphy, Patterson, Vrooman, and White—18.

The Chair announced the result of the vote whereby the enacting clause was ordered stricken out.

Mr. Walrath gave notice of a motion to reconsider the vote just had.

Mr. Chandler raised the point of order that the bill could not be reconsidered twice.

The Chair sustained the point of order.

Mr. Walrath appealed from the decision of the Chair.

Mr. Goucher moved to adjourn.

Ayes and noes demanded by Messrs. Jones, Dray, and Walrath, and the Senate refused to adjourn by the following vote:

AYES—MESSRS. Abbott, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, McDonald, Meany, Moffitt, Murphy, Vrooman, Walrath, White, and Wilson—16.

NOES—MESSRS. Boggs, Bowers, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Yell—24.

Mr. Goucher moved a call of the Senate.

Ayes and noes demanded by Messrs. Bowers, Dray, and Caminetti, and a call of the Senate was denied by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Gesford, Hall, McDonald, Meany, Moffitt, Murphy, Patterson, Walrath, White, and Wilson—18.

NOES—MESSRS. Chandler, Clunie, Crandall, Dixon, Dray, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Yell—21.

Mr. Goucher moved to adjourn.

Ayes and noes demanded by Messrs. Goucher, Caminetti, and Jones, and the Senate refused to adjourn by the following vote:

AYES—MESSRS. Abbott, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, McDonald, Meany, Moffitt, Murphy, Patterson, Vrooman, Walrath, and White—17.

NOES—MESSRS. Boggs, Bowers, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Wilson, and Yell—23.

Mr. Goucher moved a call of the Senate.

Ayes and noes demanded by Messrs. Goucher, Meany, and Caminetti, and the Senate refused a call of the Senate by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Conklin, Crimmins, Goucher, Hall, McDonald, Meany, Moffitt, Murphy, Patterson, Vrooman, Walrath, White, and Wilson—17.

NOES—Messrs. Byrnes, Chandler, Clunie, Crandall, Dixon, Dray, Gestford, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, and Yell—22.

The Chair ordered the roll called upon the appeal of Mr. Walrath from the decision of the Chair, in ruling in favor of Mr. Chandler's point of order, that the bill cannot be reconsidered twice.

The Secretary had commenced the roll call, when Mr. Goucher moved to adjourn.

Mr. Chandler raised the point of order, that a motion to adjourn after the calling of the roll is commenced, is out of order.

The Chair decided the point of order well taken.

Mr. Caminetti appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Caminetti, Meany, and Dray, and the Chair was sustained by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gestford, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, Wilson, and Yell—23.

NOES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, McDonald, Meany, Murphy, Patterson, Vrooman, and Walrath—14.

Mr. Lenahan, who would have voted "aye," was paired with Mr. Moffitt, who would have voted "no."

Mr. Goucher moved a call of the Senate.

Ayes and noes demanded by Messrs. Goucher, Meany, and Caminetti, and a call of the Senate was ordered by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crimmins, Dixon, Gestford, Goucher, Hall, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Sargent, Vrooman, Walrath, and White—22.

NOES—Messrs. Clunie, Conklin, Crandall, Dray, Haynes, Hinshaw, Jones, Langford, Rose, Roth, Spellacy, Steele, Sullivan, Wilson, and Yell—15.

#### RECESS.

Mr. Caminetti moved a recess until seven o'clock and thirty minutes P. M.

Ayes and noes demanded by Messrs. Caminetti, Goucher, and Bowers, and the motion to take a recess prevailed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Crimmins, Goucher, Hall, Jones, Langford, McDonald, Meany, Moffitt, Murphy, Patterson, Vrooman, Walrath, White, Wilson, and Yell—19.

NOES—Messrs. Boggs, Clunie, Conklin, Crandall, Dixon, Dray, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, Pinder, Rose, Roth, Sargent, Spellacy, Steele, and Sullivan—18.

And the Senate took a recess.

#### REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.



The roll was called, and the following Senators answered to their names: :

Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, Patterson, Pinder, Sullivan, Vrooman, Walrath, and White.

Quorum present.

#### CALL OF THE SENATE.

Mr. Gesford moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Patterson, Pinder, Rose, Roth, Steele, Vrooman, Walrath, White, Wilson, and Yell.

A list of absentees was furnished the Sergeant-at-Arms, who thereafter appeared at the bar of the Senate, and reported as under arrest Mr. Crimmins.

Mr. Crimmins was excused his absence at a call of the Senate.

Mr. Chandler moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

The question being upon the appeal of Mr. Walrath from the decision of the Chair, in ruling in favor of Mr. Chandler's point of order, that the bill cannot be reconsidered twice.

The roll was ordered called, and the Chair sustained by the following vote:

AYES—Messrs. Boggs, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Patterson, Pinder, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Yell—22.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crimmins, Goucher, Hall, Haynes, Jones, McDonald, Meaney, Murphy, Vrooman, Walrath, and Wilson—17.

#### PROTEST.

Senators Goucher, Walrath, and Patterson offered the following:

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

WHEREAS, That while this Senate was this day acting in session under the head of "Special Orders," Senator Goucher having the floor of the Senate, and being recognized by presiding officer, surrendered the floor temporarily to Senator Chandler for the sole purpose of making and determining a motion merely to reconsider the vote by which Senate Bill No. 51 passed the Senate upon its third reading, on March 3, 1887; and whereas, after said motion was determined, Senator Goucher was entitled to the floor of this Senate; and whereas, upon motion of Senator Goucher thereupon made, Assembly Bill No. 179 came up for consideration before this Senate and was acted upon, and Senate Bill No. 51 then and there became unfinished business, and took its place upon the file of this Senate under that order; and whereas, that before reaching the order of unfinished business, Senate Bill No. 51 was improperly acted upon—no vote to suspend the rules for that purpose having been made or taken; therefore, be it

*Resolved*, That all action taken this day upon Senate Bill No. 51, subsequent to the reconsideration of said bill upon motion of Senator Chandler, should be and the same is hereby ordered expunged from the Journal of this day's proceedings, because said action was in violation of the rules which this Senate has adopted for its government, and therefore invalid and of no effect.

A. WALRATH.  
W. H. PATTERSON.  
G. G. GOUCHER.

Whereupon, Senator Chandler moved to lay the resolution contained in the foregoing document on the table.

Senators Goucher, Walrath, and Patterson, each thereupon disclaimed any intention to offer any resolution for the consideration of the Senate, and stated that the resolution above referred to was expressive solely of the sentiments of said three Senators, and as a protest.

The document, signed by said Senators, was thereupon ordered spread upon the Journal.

#### REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 437, with special instructions to amend as directed by the Senate, hereby report that said bill has been amended in accordance with the order of the Senate.

A. CAMINETTI.

Report adopted.

The following are the amendments to Senate Bill No. 437, reported by the select committee:

Amend section one, line five, printed bill, by striking out the words "or land."

Amend section one, by striking out all after the word "year," on line twenty-one, down to and including the word "salary," on line twenty-four, printed bill, and insert the following: "and he may appoint a deputy, to receive a salary of one hundred dollars per month. Said salaries are payable as the salaries of other State officers are paid, and the sums to pay the same are hereby annually appropriated out of the General Fund of the State Treasury."

Amend section one, by striking out, on lines thirty-one and thirty-two, printed bill, the following words: "and the Controller is directed to draw his warrant for the amount so allowed," and insert the following: "and such sums, so audited and allowed by the State Board of Examiners, together with the amount allowed by them for the office expenses of the Commissioner, are hereby permanently appropriated out of the General Fund of the State Treasury."

Amend, by inserting, after the word "penalties," on line thirty-four, printed bill, the following: "within ten days after the approval of this Act."

Mr. Murphy moved to further recommit Senate Bill No. 437 to a select committee, to consist of himself, with special instructions to further amend, as follows: amend section one, line five, printed bill, by striking out the words "or land."

So ordered.

#### REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your special committee, to whom was referred Senate Bill No. 437, beg leave to report the same back, as amended, according to the instructions of the Senate.

MURPHY.

Adopted.

So amended, Senate Bill No. 437 was ordered reëngrossed and printed as amended.

## RESOLUTION—(OUT OF ORDER).

Mr. Clunie had leave to introduce the following Senate Concurrent Resolution:

*Resolved by the Senate, the Assembly concurring,* That this Legislature do adjourn sine die on Saturday, March 5, 1887, at twelve o'clock midnight.

Mr. Caminetti moved to make the resolution the special order for to-morrow, at four o'clock P. M.

Mr. Murphy moved to amend, by making the resolution the special order for Tuesday next, at four o'clock P. M.

So ordered.

## REPORT OF STANDING COMMITTEE.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 431—Entitled an Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Also, Senate Bill No. 387—An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also, Senate Bill No. 354—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year.

Also, Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law, from December first, eighteen hundred and eighty-five, until June thirtieth, eighteen hundred and eighty-seven.

Also, Senate Bill No. 270—An Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Also, Senate Bill No. 291—An Act to prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods.

Also, Senate Bill No. 48—An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Also, Assembly Substitute for Senate Bill No. 42—An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.

## RESOLUTION—(OUT OF ORDER).

By Mr. Jones:

*Resolved,* That the following bills be now taken up and read, and that no adjournment be now had until the said business has been finished, viz.:

Assembly Bill No. 120 (64 on file).

Senate Bill No. 330 (56 on file).

Senate Bill No. 359 (52 on file).

Senate Bill No. 425 (53 on file).

Senate Bill No. 131 (176 on file).

Senate Bill No. 144 (16 on file).

Senate Bill No. 422 (20 on file).

Senate Bill No. 346 (24 on file).

Senate Bill No. 356 (32 on file).

Senate Bill No. 418 (33 on file).

Senate Bill No. 419 (34 on file).

Senate Bill No. 241 (44 on file).

Senate Bill No. 262 (50 on file).

Senate Bill No. 19 (117 on file).

Senate Bill No. 421 (45 on file).

Senate Bill No. 383 (204 on file).

Senate Bill No. 269 (116 on file).

Senate Bill No. 132 (82 on file).

Senate Bill No. 443 (46 on file).  
 Senate Bill No. 61 (17 on file).  
 Senate Bill No. 423 (121 on file).  
 Senate Bill No. 238 (108 on file).  
 Senate Bill No. 264 (109 on file).  
 Senate Bill No. 347 (110 on file).  
 Senate Bill No. 375 (226 on file).  
 Senate Bill No. 395 (114 on file).  
 Senate Bill No. 54 (6 on file).  
 Assembly Bill No. 106 (11 on file).  
 Assembly Bill No. 138 (8 on file).  
 Assembly Bill No. 29 (9 on file).  
 Assembly Bill No. 92 (10 on file).  
 Assembly Bill No. 256 (18 on file).  
 Assembly Bill No. 258 (19 on file).  
 Assembly Bill No. 395 (28 on file).  
 Assembly Bill No. 262 (30 on file).  
 Assembly Bill No. 259 (29 on file).  
 Assembly Bill No. 422 (20 on file).  
 Assembly Bill No. 180 (48 on file).  
 Assembly Bill No. 181 (61 on file).  
 Assembly Bill No. 46 (62 on file).  
 Assembly Bill No. 47 (63 on file).  
 Assembly Bill No. 21 (65 on file).  
 Assembly Bill No. 148 (66 on file).  
 Assembly Bill No. 134 (103 on file).  
 Assembly Bill No. 79 (102 on file).  
 Assembly Bill No. 523 (3 on file).  
 Assembly Bill No. 81 (249 on file).  
 Assembly Bill No. 199 (118 on file).  
 Assembly Bill No. 456 (265 on file).  
 Assembly Bill No. 37 (85 on file).  
 Assembly Bill No. 107 (90 on file).  
 Assembly Bill No. 278 (Read first time).  
 Assembly Bill No. 136 (119 on file).  
 Assembly Bill No. 390 (15 on file).  
 Assembly Bill No. 232 (4 on file).  
 Assembly Bill No. 74 (substituted for Senate Bill No. 59).  
 Assembly Bill No. 76 (substituted for Senate Bill No. 58).  
 Assembly Bill No. 77 (substituted for Senate Bill No. 57).  
 Senate Bill No. 359 (52 on file).  
 Senate Bill No. 425 (53 on file).  
 Assembly Bill No. 252 (35 on file).  
 Assembly Constitutional Amendment No. 2 (Special File).  
 Assembly Bill No. 110 (25 on file).  
 Assembly Bill No. 19 (not on file).  
 Assembly Bill No. 444 (26 on file).  
 Senate Bill No. 223 (60 on file).  
 Senate Bill No. 220 (133 on file).

Adopted.

Mr. Yell moved that Special Order No. 4 be placed at the head of Special File.

So ordered.

On motion of Mr. Boggs, Senate Bill No. 269 (116 on file) was taken up, out of order.

Senate Bill No. 269 refused engrossment.

Mr. White gave notice that he would, on to-morrow, move a reconsideration of the vote by which the Senate refused to order engrossed Senate Bill No. 269.

#### GENERAL FILE—THIRD READING.

Assembly Bill No. 120—An Act to amend an Act entitled an Act to amend an Act to incorporate the Town of Chico, Butte County, California, approved March 23, 1878.

Read third time, and passed by the following vote:



AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Jones, Langford, Lenahan, McCudden, McDonald, Murphy, Patterson, Rose, Roth, Sargent, Spellacy, Vrooman, Wilson, and Yell—29.

NOES—Messrs. Steele and White—2.

Title read and approved.

Mr. Caminetti moved the following:

MR. PRESIDENT: I move that Assembly Bill No. 138 be recommitted to a committee of one, viz.: Senator Roth, with special instructions to amend the same as follows:

*First*—Amend title by inserting, after the word "sections," where it first occurs therein, the words "two, four."

*Second*—Amend title by inserting, before word "and," where it first occurs therein, the word "seven."

*Third*—Amend title by striking out word "one," after the word "create," and insert the word "certain."

*Fourth*—Add to word "district," at end of title, the letter "s."

*Fifth*—Insert, after word "sections," in section one, line one, of printed bill, the word "two."

*Sixth*—Insert a new section, as follows, between lines five and six, page two:

SEC. 2. The Counties of San Joaquin, Fresno, Mariposa, Stanislaus, and Tuolumne shall constitute Agricultural District No. 2. The Counties of Tulare and Kern shall constitute Agricultural District No. 15.

A. CAMINETTI.

So ordered.

#### REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT: Your committee of one, to whom was referred Assembly Bill No. 138, with special instructions to make certain amendments, hereby reports that said instructions have been complied with, as directed.

ROTH.

Report adopted, bill ordered reengrossed, and placed on Special File.

Senate Bill No. 359—An Act to amend section six hundred and thirty-four of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the taking of salmon.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCudden, McDonald, Murphy, Patterson, Sargent, Steele, Vrooman, White, and Yell—25.

NOES—None.

Title read and approved.

Senate Bill No. 330—An Act to ascertain the loss and damage suffered and sustained by the Coulterville and Yosemite Turnpike Company, a corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, Wilson, and Yell—30.

NOES—Messrs. Caminetti, Gesford, Hinshaw, and White—4.

Title read and approved.

Senate Bill No. 425—An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant, commanding Com-

pany "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Haynes, Jones, McCarthy, McCudden, Patterson, Roth, Sargent, Spellacy, Steele, Sullivan, and Wilson—22.

NOES—Messrs. Caminetti, Gesford, Vrooman, Walrath, White, and Yell—6.

Title read and approved.

#### SPECIAL FILE—SECOND READING.

Senate Bill No. 144.

Substitute adopted, and amended as follows: amend, in lines eleven, twenty, and twenty-one, of page two, of substitute, by striking out the words "twenty-five thousand (\$25,000)," and inserting, in lieu thereof, the words "forty thousand (\$40,000)."

So amended, the bill was ordered engrossed, and to a third reading.

#### SPECIAL FILE—THIRD READING—(RESUMED).

Assembly Bill No. 523—An Act to provide for the government and management of the "California Home for the Care and Training of Feeble-Minded Children."

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Patterson, Roth, Spellacy, Steele, White, and Wilson—27.

NOES—Messrs. Sargent and Yell—2.

Title read and approved.

Assembly Bill No. 232—An Act to provide that in all cities of over ten thousand inhabitants the Mayor or other Chief Executive shall not be required to act as City Judge or ex officio Judge of the City Court, or as Justice of the Peace; to provide for the abolishment of such City Court, and for the transfer of the business and properties of said City Court to the Justice of the Peace of such cities, and to require such Justice to finish such business, and to repeal all special Acts in conflict herewith.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Murphy, Patterson, Roth, Spellacy, Steele, White, Wilson, and Yell—25.

NOES—None.

Title read and approved.

Senate Bill No. 54—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and thirty-nine, relating to salaries of officers connected with the Supreme Court.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Rose, Roth, Steele, White, Wilson, and Yell—23.

NOES—Mr. Sargent—1.

Title read and approved.

Assembly Bill No. 29—An Act to amend sections two thousand six hundred and forty-one, two thousand six hundred and forty-two, and two thousand six hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the powers and duties of highway officers, to the appointment of, and oath, and bond of Roadmaster or Road Overseers.

Read third time, and passed by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Caminetti, Clunie, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Wilson, and Yell—25.

NOES—MESSRS. Byrnes, Chandler, Crandall, McDonald, and White—5.

Title read and approved.

Assembly Bill No. 138 passed on file.

Assembly Bill No. 106—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and twenty-nine, one thousand nine hundred and ninety, two thousand and twenty-two, two thousand and twenty-six, two thousand and ninety-four, and to add a new section, to be known as section two thousand and twenty-seven of the Political Code, relating to the State militia.

Read third time, and passed by the following vote:

AYES—MESSRS. Abbott, Bowers, Briceland, Caminetti, Chandler, Clunie, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Spellacy, Walrath, White, Wilson, and Yell—25.

NOES—MESSRS. Crandall and Patterson—2.

Title read and approved.

On motion of Mr. Wilson, the title of Senate Bill No. 144 was amended by inserting the words "and appropriate money therefor."

Assembly Bill No. 390—An Act to appropriate money for the erection of a monument at the grave of J. W. Marshall, deceased, the discoverer of gold in California.

Read third time, and passed by the following vote:

AYES—MESSRS. Caminetti, Chandler, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Walrath, White, Wilson, and Yell—22.

NOES—Mr. McDonald—1.

Title read and approved.

Assembly Bill No. 48 read second time, and ordered to third reading.

Assembly Bill No. 92—An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public.

Read third time, and passed by the following vote:

AYES—MESSRS. Abbott, Bowers, Caminetti, Chandler, Clunie, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Walrath, White, Wilson, and Yell—25.

NOES—Mr. Byrnes—1.

Title read and approved.

RESOLUTIONS OF RESPECT TO THE MEMORY OF THE LATE HON. S. B. MCKEE.

Mr. White introduced the following, which was unanimously adopted by a rising vote of the Senate:

*Resolved*, That when the Senate adjourns to-day, it adjourn because of the public sorrow which accompanies the sad intelligence of the death of Hon. S. B. McKee; and be it further

*Resolved*, That the following expression of sentiment of this body be spread upon the Journal, viz.: Hon. S. B. McKee, for nearly one third of a century, occupied an exalted judicial position in this State. Never during that extended period was his honesty doubted or the purity of his motives assailed. He was a kind hearted and true man. Gifted with high talents, he never forgot his obligations to his home or his country, and before the Eternal Judge he can render a full account of faithful stewardship. His death is an incalculable loss, not only to those who loved him best and who participated with him in the endearments of domestic association, but also to the State, which he so long and so faithfully served.

#### MOTIONS.

Mr. White moved to make the Jones list of bills which will not be disposed of at this session, the special order for to-morrow, immediately after the reading of the Journal.

So ordered.

Mr. Walrath moved to adjourn.

Lost.

Mr. Yell moved to take up, out of order, Assembly Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to the Constitution of the State, relative to irrigation.

So ordered.

Amended, and ordered printed.

Assembly Bill No. 181—An Act to amend section four hundred and eight of the Code of Civil Procedure of the State of California, relating to the issuing of alias summons.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Chandler, Clunie, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spelacy, Sullivan, White, and Yell—22.

NOES—None.

Title read and approved.

Mr. Sargent moved to take up, out of order, for first reading, Senate Bill No. 220, and that the same be placed on Special File, second reading.

So ordered.

Senate Bill No. 220—An Act to appropriate moneys to aid in erecting a monument to Commodore John D. Sloat, and to prescribe the duties of the Controller in relation thereto.

Read first time.

Assembly Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506.

Made the special order for to-morrow, at three o'clock p. m.

Mr. White moved that the special orders set this evening for to-morrow, shall not affect the other special orders already set for that day.

So ordered.

Assembly Bills Nos. 404, 407, 129, 278, 81, and 456.

Severally read first time, and ordered to second reading.

Senate Bills Nos. 241, 421, 383, 375, and 131.

Severally read first time, and ordered to second reading.

Assembly Bills Nos. 256, 258, 262, 148, 134, 79, 110, and 411.

Severally read second time, and ordered to third reading.

Senate Bills Nos. 238, 264, 395, and 422.

Severally read second time, ordered engrossed, and to third reading.



## ADJOURNMENT.

At twelve o'clock, midnight, on motion of Mr. Abbott, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
Saturday, March 5, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Briceland, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Reading and approval of Journal of yesterday set for this afternoon, at five o'clock.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 4, 1887. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 340, relating to the payment of certain premiums to counties, and cities and counties, by fire insurance companies.

Also, Senate Bill No. 48—Entitled an Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 408—An Act to appropriate money to pay the rent of the Hastings College of Law.

Also, Senate Bill No. 291—Entitled an Act to prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods.

Also, Senate Bill No. 431—Entitled an Act to appropriate money to prevent the introduction of contagious and infectious diseases.

WASHINGTON BARTLETT, Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 563—An Act to appropriate money to meet the deficiency in the appropriation to pay the per diem of the officers and clerks of the Assembly, for the twenty-seventh session of the Legislature.

FRANK D. RYAN, Chief Clerk.  
Per ED. J. SMITH, Assistant Clerk.

Also, March fourth, passed Assembly Bill No. 2—An Act to amend sections three and four, of Chapter I, of an Act entitled an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883, and also to amend Chapter V of said Act.

Also, passed Assembly Bill No. 278—An Act making an appropriation for the payment of claims of certain employes and other creditors of the State.

Also, passed Senate Bill No. 214—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Also, passed Assembly Bill No. 182—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges to jurors in criminal cases.

Also, passed Senate Bill No. 105—An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Also, amended, and passed as amended, Senate Bill No. 4—An Act to establish a Branch Normal School in Northern California—and respectfully ask the Senate to concur in the amendments.

Also, passed Senate Bill No. 39—An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Also, concurred in Senate amendments to Assembly Constitutional Amendment No. 16.

FRANK D. RYAN, Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 2 referred to Committee on City, City and County, and Town Governments.

Assembly Bill No. 563 read first time, and ordered placed at the head of Special File.

Assembly Bill No. 278, on file.

Senate Bill No. 214, to enrollment.

Assembly Bill No. 182, to Judiciary Committee.

Senate Bill No. 105, to enrollment.

Senate Bill No. 39, to enrollment.

Senate Bill No. 4, Assembly amendments as follows:

Amend, in section two, in line nineteen, original bill, after the words "State Normal School," by inserting the following: "and said Trustees shall receive the same per diem and mileage as members of the Legislature while engaged in the selection of the site, payable from the appropriation hereinafter contained, to an amount not exceeding five hundred dollars."

Amendment concurred in.

Section three, so as to read as follows: "The sum of fifty thousand dollars is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated, for the building of said Northern Branch State Normal School, and furnishing the same."

Amendment concurred in, and bill sent to enrollment.

#### LEAVE OF ABSENCE.

The Secretary of the Senate, Mr. Hamilton, was granted leave of absence until Monday noon, next.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Assembly Bill No. 211—An Act to repeal an Act entitled "An Act to declare the Klamath River navigable"—report the same back, and recommend that it do pass.

GOUCHER, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed, viz.:

Nos. 437, 144, 264, 395, and 238.

DIXON, Chairman.

Substitute for Assembly Bill No. 459—An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years—reported back from the Committee on Finance, was taken up.

Read first time, and ordered to a second reading.

## CASE OF URGENCY.

Mr. Moffitt moved that Substitute for Assembly Bill No. 459 be declared a case of urgency, and that the provisions of section fifteen of Article IV of the Constitution, requiring a bill to be read on three several days in each House, be dispensed with, and that Substitute for Assembly Bill No. 459 be read a second time.

Mr. Vrooman moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

## LEAVE OF ABSENCE.

Mr. Bowers was granted one day's leave of absence, on account of sickness.

## MOTION.

Mr. Lenahan moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

On the adoption of Mr. Moffitt's motion, declaring Substitute for Assembly Bill No. 459 a case of urgency, etc., the roll was ordered called, and Mr. Moffitt's motion adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Rose, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

## RESOLUTION—(OUT OF ORDER).

By Mr. Meany:

*Resolved*, That Jno. W. Wilcox, Sergeant-at-Arms, be and he hereby is allowed the sum of seventeen dollars and fifty cents, for expenses incurred in various calls of the Senate, the same payable out of the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for the same.

By unanimous consent, the rules were suspended, a reference of the resolution dispensed with, and the resolution considered at this time.

Whereupon, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Patterson, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—Mr. Hall—1.

Substitute for Assembly Bill No. 459, read second time, and amended as follows:

Section one, line eleven, of printed bill, by inserting "twelve," instead of "twenty."

Adopted.

Also, in line twelve, strike out the word "thirty," and insert "twelve," instead.

Adopted.

Committee recommend to strike out lines nineteen and twenty.

Adopted.

Also, on line thirty, strike out "eight hundred."

Adopted.

Also, in lines fifty-seven and fifty-eight, strike out the word "twenty-four," and insert "fifteen."

Also, in line one hundred and seven, same section, insert, after the word "postage," the word "telegraphing."

Adopted.

Also, strike out lines one hundred and sixteen, one hundred and seventeen, and one hundred and eighteen.

Adopted.

Also, in line one hundred and twenty, change "five" to "four."

Also, strike out lines one hundred and twenty-two, one hundred and twenty-three, and one hundred and twenty-four.

Adopted.

Also, in line one hundred and thirty-two, page four, strike out the word "seventy-four," and insert "forty."

On the adoption of the amendment the roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Moffitt, Patterson, Roth, Steele, Vrooman, and White—19.

NOES—Messrs. Abbott, Byrnes, Crimmins, Jones, Lenahan, McCarthy, McCudden, McDonald, Rose, Sargent, Spellacy, Sullivan, Walrath, Wilson, and Yell—15.

Also, amend, on line one hundred and thirty-three, insert the word "twenty," in lieu of the word "thirty."

Adopted.

Also, on line one hundred and thirty-five, strike out "seventy," and insert "fifty," in lieu thereof.

Adopted.

By committee: amend line one hundred and forty-four, after the word "Engineer," insert "seventy-five hundred dollars."

Adopted.

RECESS.

Pending consideration of amendments proposed to be substituted for Assembly Bill No. 459, the Senate took a recess until one o'clock and thirty minutes P. M.



## REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.  
President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Roth, Sargent, Steele, Sullivan, Vrooman, and White.

## LEAVE OF ABSENCE.

Mr. Patterson, at his own request, was granted leave of absence, after to-morrow, for the remainder of the session.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5, 1887. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 284—Entitled an Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane.

Also, Senate Bill No. 216—Entitled an Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding and maintenance of public libraries, museums, and galleries of art, etc.

WASHINGTON BARTLETT, Governor.

Consideration of amendments to Substitute for Assembly Bill No. 459, pending when the Senate took a recess, resumed.

Committee amendments, as follows, considered:

Page six, strike out lines one hundred and sixty-one and one hundred and sixty-two.

Adopted.

Also, on line one hundred and sixty-seven, change "four thousand five hundred" to "four thousand."

Also, strike out lines one hundred and eighty-two and one hundred and eighty-three.

Adopted.

Also, strike out lines one hundred and eighty-six, one hundred and eighty-seven, and one hundred and eighty-nine.

Adopted.

Mr. Vrooman moved the committee amendments to line one hundred and eighty-eight be amended, to strike out of line one hundred and eighty-eight the words "seven thousand five hundred," and insert "five thousand," instead, provided Mr. Goucher will withdraw his bill in the Assembly.

So ordered.

Also, strike out lines one hundred and ninety-two, one hundred and ninety-three, and one hundred and ninety-four.

Withdrawn.

Mr. Goucher amended line one hundred and ninety-six, by striking out the word "two," and inserting "three," in lieu.

Lost.

Committee amendment: strike out of line one hundred and ninety-eight the words "six hundred."

Adopted.

Also, strike out line two hundred and four.

Adopted.

Also, in lines two hundred and twenty and two hundred and twenty-one change "eighty-seven thousand six hundred" to "one hundred and thirty-four thousand."

Adopted.

Also, strike out lines two hundred and twenty-two, two hundred and twenty-three, and two hundred and twenty-four.

Adopted.

Also, strike out line two hundred and twenty-eight, and all succeeding said line, down to and including line two hundred and forty-five.

Adopted.

Also, on line two hundred and fifty, change "ten" to "five."

Adopted.

Also, in line two hundred and seventy-two, change "twenty" to "thirty."

Adopted.

Also, in line two hundred and eighty-two, change "ten" to "fifteen."

Adopted.

Also, on page ten, line two hundred and ninety-six, change "twenty" to "fifteen."

Adopted.

Also, in line two hundred and ninety-nine, change "four" to "five."

Adopted.

Also, in line three hundred and five, change "three thousand four hundred" to "five thousand."

Adopted.

Mr. Haynes amends line three hundred and ten, by striking out "one thousand six hundred," and inserting "two thousand."

Adopted.

Mr. Walrath moved to strike out the word "three," and insert the word "four," in line three hundred and twenty-four.

Adopted.

Mr. Crandall moved to amend section one, line three hundred and twenty-eight, after the word "dollars," the following: "if any of the foregoing agricultural districts shall be divided, then the appropriations herein made for such districts shall be divided between them."

Withdrawn.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Jones:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of Miss May Cornelius, Clerk of the Senate Committee on Labor and Capital, for eight days' pay, from the twelfth to the twentieth of January, and in favor of Mrs. K. Arnold, Clerk of the Senate Committee on Forestry, Yosemite Valley, and Mariposa Grove of Big Trees, for nine days' pay, from the twelfth to the twenty-first day of January, inclusive, at the regular per diem allowed by law, payable out of the Contingent Fund of the Senate, except in case such per diem has heretofore been paid: and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Consideration of amendments to Substitute for Assembly Bill No. 459 resumed:

Also, strike out lines three hundred and thirty-two, three hundred and thirty-three, and three hundred and thirty-four.

Adopted.

Also, strike out line three hundred and thirty-seven.

Lost.

Mr. Steele moved to amend, in line three hundred and thirty-seven, by striking out the word "ten," and inserting "five."

Upon the amendment offered by Mr. Steele, the ayes and noes were demanded by Messrs. Gesford, Meany, and Steele, and the amendment was adopted by the following vote:

AYES—Messrs. Briceland, Byrnes, Caminetti, Chandler, Crandall, Dixon, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Murphy, Rose, Spellacy, Steele, White, and Wilson—21.

NOES—Messrs. Abbott, Boggs, Langford, Patterson, Roth, Sargent, Vrooman, and Yell—8.

## REPORTS OF STANDING COMMITTEES.

### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 216—An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of all property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof.

Also, Senate Bill No. 219—An Act to prevent the sophistication and adulteration of wine. Also, Senate Concurrent Resolution No. 3—Relative to the withdrawal of Government timber land from sale.

And have, this day, placed the same in the hands of the Governor.

ROTH, Chairman.

### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:

Senate Bill No. 422.

SPELLACY, Chairman.

Mr. Goucher moved that Assembly Bill No. 138 be referred to a committee of one, consisting of Senator Gesford, with special instructions to make the following amendments thereto: amend, by adding the following before section four: "The Counties of Merced, Mariposa, and Fresno shall constitute Agricultural District No. 21;" also, strike out from section two, printed bill, as amended March 4, 1887, the words "Fresno, Mariposa," and insert the words "Calaveras, Merced."

So ordered.

## REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 5, 1887.

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 138, with special instructions to make certain amendments, hereby reports same back, amended as directed.

HENRY C. GESFORD, Select Committee.

Adopted.

## LEAVE OF ABSENCE.

At his request, Mr. Rose was granted leave of absence for the remainder of the session.

Mr. Crimmins was granted leave of absence until Monday next.

Consideration of amendments to Substitute for Assembly Bill No. 459 resumed:

Mr. Caminetti moved that the numbers of the sub-committee report be made to conform with the numbers of agricultural districts contained in Assembly Bill No. 459.

So ordered.

Committee amendment to section five, on page twelve: strike out all after the word "appropriations," on line three, down to and including the word "executed," on line six.

Adopted.

Mr. White moved to amend, on page five, line one hundred and thirty-seven: at end, insert "exempt from the provisions of section four of this Act: *and provided further*, that such appropriation shall be in full for the completion of all work now in the hands of said Engineer."

Adopted.

Also, page five, line one hundred and thirty-eight: at end, insert "exempt from the provisions of section four of this Act."

Adopted.

Also, page five, line one hundred and forty-four: at end, insert "exempt from the provisions of section four of this Act."

Adopted.

Mr. Roth moved to make his District No. 18, two thousand dollars.

So ordered.

Mr. Caminetti moved to reduce Kern and Tulare to two thousand from two thousand five hundred.

So ordered.

By Mr. Moffitt: strike out, on line one hundred and forty-four, page five, the word "Engineer," and insert, in lieu, the word "Controller."

Adopted.

Mr. Boggs, from the sub-committee appointed to consider the number of agricultural districts now formed, and in process of formation, by laws before the Legislature, including the appropriations to be made therefor, submitted the following as said sub-committee's report:

*List of Agricultural Districts as formed under the laws of 1885 and previous.*

No. 1—Embraces the Counties of Alameda, Contra Costa, and San Francisco. Committee recommends five thousand dollars.

No. 2—Embraces the Counties of San Joaquin, Calaveras, Fresno, Kern, Merced, Mariposa, Stanislaus, Tulare, and Tuolumne. Committee recommends five thousand dollars.

No. 3—Embraces the Counties of Butte, Colusa, and Tehama. Committee recommends four thousand dollars.

No. 4—Embraces the Counties of Sonoma, Marin, Solano, and Napa. Committee recommends five thousand dollars.

No. 5—Embraces the Counties of Santa Clara and San Mateo. Committee recommends three thousand six hundred dollars.

No. 6—Embraces the Counties of Los Angeles, San Diego, San Bernardino, Santa Barbara, Ventura, and Inyo. Committee recommends five thousand dollars.

No. 7—Embraces the Counties of Monterey, Santa Cruz, San Luis Obispo, and San Benito. Committee recommends three thousand dollars.

No. 8—Embraces the Counties of Alpine, Amador, El Dorado, and Mono. Committee recommends three thousand four hundred dollars.

No. 9—Embraces the Counties of Humboldt and Del Norte. Committee recommends two thousand dollars.



No. 10—Embraces the Counties of Siskiyou, Trinity, and Shasta. Committee recommends two thousand dollars.

No. 11—Embraces the Counties of Plumas, Lassen, Modoc, and Sierra. Committee recommends three thousand dollars.

No. 12—Embraces the Counties of Mendocino and Lake. Committee recommends three thousand dollars.

No. 13—Embraces the Counties of Sacramento, Yolo, Yuba, and Sutter. Committee recommends four thousand dollars.

No. 17—Embraces the Counties of Nevada and Placer. Committee recommends four thousand dollars.

There are several propositions now before the Legislature to divide some of the foregoing districts, as follows:

Cut from No. 4 the Counties of Solano and Napa and make a new district.

Cut from No. 6 the Counties of Santa Barbara and Inyo and make Santa Barbara a separate district.

Cut from No. 7 the Counties of Santa Cruz and San Luis Obispo and make each county a separate district.

Cut from No. 8 the Counties of Alpine and Mono and join them with Inyo, for a separate district.

Under the old law, the districts, as will be observed, run from No. 1 to 13, then skip to No. 17.

If the amendments pass to form districts as before mentioned, they should be numbered as follows, and amounts appropriated set opposite their numbers in the General Appropriation Bill:

Solano and Napa District would be No. 25. Committee recommends two thousand five hundred dollars.

Santa Barbara District would be No. 19. Committee recommends one thousand dollars.

Santa Cruz District would be No. 14. Committee recommends one thousand dollars.

San Luis Obispo County District would be No. 16. Committee recommends one thousand dollars.

Alpine, Mono, and Inyo District would be No. 18. Committee recommends two thousand dollars.

Tulare and Kern District would be No. 15. Committee recommends two thousand dollars.

The Counties of Mariposa, Merced, and Fresno District No. 21. Committee recommends two thousand five hundred dollars.

### Adopted.

Substitute for Assembly Bill No. 459, so amended, was ordered printed, passed to a third reading, and, on motion of Mr. Moffitt, set as the special order for Monday next, at two o'clock and thirty minutes P. M.

Mr. Caminetti moved that Senate Bill No. 138 be ordered engrossed, and to a third reading.

### So ordered.

On motion, Assembly Bill No. 13 was referred to Mr. Jones, as a select committee of one, to amend said bill to read as follows:

An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. eighteen hundred and eighty, entitled an Act to define, regulate, and govern State Prisons of California.

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twelve of said Chapter LXXI is hereby repealed.

SEC. 2. Section twenty-one of said Chapter LXXI is hereby amended to read as follows:

Section 21. All convicts, not employed in jute mills, may be employed by the authority of the Board of Directors, under charge of the Wardens, in the manufacture of such articles only as shall be necessary for the use of prisoners in either prison, or for the use and benefit of such persons or institutions supported in whole or in part by the State of California, and in work on stone or granite material where the labor done by convicts is on rough stone for curbing and crosswalks, or shall compete or conflict with foreign labor on imported stone or granite only; *provided*, that in case the State of California shall require stone or granite material for the erection, repair, or improvements of State public buildings, grounds, or works, only the labor of the convicts may be used for such purpose, and no articles except as provided for in this section, and jute goods, shall be manufactured in any prison in this State, to be sold in any market for the benefit of the State, or to any one, and the Board of Directors are hereby authorized to purchase from time to time, such tools, machinery, raw jute, and other materials necessary to manufacture jute goods, and to employ convicts as directed in this section, and to direct the employment of such skilled foremen as shall be necessary to carry out the provisions of this section,

and to sell all the articles manufactured in prisons for cash, and only upon written application, which application shall be filed in the office of the Warden, and filed in the order that the same are received. It shall be the duty of the Board of Directors and Wardens to carry over until the month of June of each year as large a stock of jute grain bags as the condition of the jute fund will allow, and to give preference to the application of actual consumers, or their bona fide agents during the harvest season; all moneys received from sales, less expenses of manufacture, to be deposited in the State Treasury for the benefit of the Jute Revolving Fund. No sales of jute bags shall be made at public auction, or otherwise, at less than the cost of manufacture, without the unanimous consent of the Board of Directors, and the Governor of the State of California.

SEC. 3. Section twenty-five of said Chapter LXXI is amended so as to read as follows:

Section 25. From and after January first, eighteen hundred and eighty-eight, no article or product shall be manufactured in either of the prisons of this State for sale for or on account of this State, or in any manner, or for any purpose, other than provided for in section twenty-one of this Act, nor shall the product of the labor of convicts, or the labor of convicts, be let out or sold or given in any manner, by contract or otherwise, to any person, persons, company, copartnership, or corporation, except as provided in section twenty-one of this chapter.

SEC. 4. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect immediately.

#### REPORT OF SELECT COMMITTEE.

By Mr. Jones:

SENATE CHAMBER, SACRAMENTO, March 5, 1887.

MR. PRESIDENT: Your special committee, to whom was referred Assembly Bill No. 13, with instructions to amend said bill, respectfully report the said bill back, amended as instructed.

A. F. JONES, Special Committee.

Report adopted.

#### MOTION.

Mr. Briceland moved to suspend the rules, and take up Assembly Bill No. 456.

So ordered.

Assembly Bill No. 456, so taken up, was read a second time, ordered to a third reading, and placed on Special File.

Senate Bills Nos. 346, 356, 346, 418, 419, 19, 443, and 61, severally read second time, ordered engrossed, and to a third reading.

#### RESOLUTION.

Mr. White had leave to introduce a resolution, as follows:

WHEREAS, The following named bills, being bills for appropriation for deficiencies and other purposes, have been carefully considered by the Finance Committee, and by them unanimously agreed upon as proper measures to be passed; and whereas, this session is about drawing to a close, and it is important that said bills should be passed; now, therefore, be it

*Resolved*, That the rules be suspended, and the following bills be taken up, out of order, read, and placed upon the Special File, to wit:

- Senate Bill No. 422 (No. 6 on file).
- Assembly Bill No. 256 (No. 7 on file).
- Assembly Bill No. 258 (No. 8 on file).
- Senate Bill No. 37 (No. 14 on file).
- Senate Bill No. 61 (No. 17 on file).
- Senate Bill No. 358 (No. 19 on file).
- Assembly Bill No. 262 (No. 9 on file).
- Senate Bill No. 198 (No. 20 on file).
- Senate Bill No. 346 (No. 21 on file).
- Assembly Bill No. 395 (No. 23 on file).
- Senate Bill No. 356 (No. 26 on file).
- Senate Bill No. 241 (No. 30 on file).
- Senate Bill No. 421 (No. 31 on file).
- Senate Bill No. 326 (No. 154 on file).
- Senate Bill No. 350 (No. 241 on file).
- Senate Bill No. 347 (No. 98 on file).

Adopted.

INTRODUCTION OF BILLS—(OUT OF ORDER).

Mr. White had unanimous consent to introduce two bills, out of order, which were severally read first time, and ordered on Special File.

By Mr. White: Senate Bill No. 448—An Act to appropriate the sum of five thousand dollars, to pay the expenses and disbursements to be incurred and made in maintaining the rights of the State in litigation now pending in or which may come before the Supreme Court of the United States, to which the State is or shall be a party, or in the determination of which the State is or shall be interested.

Read first time.

Also, Senate Bill No. 449—An Act to appropriate money for salaries of additional clerks in the Controller's office.

Read first time.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5, 1887. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 354 Entitled an Act to provide for a deficiency in the appropriation for the preservation of fish in the waters of this State, for the thirty-seventh fiscal year.

WASHINGTON BARTLETT, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment No. 1 to the Constitution, as submitted at the general election, November second, eighteen hundred and eighty-six.

Senate Bill No. 304—An Act to appropriate money for the purchase of certain roads within limits of the Yosemite Grant.

Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Senate Bill No. 17—An Act to amend "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March 13, 1878, by making applicable thereto section one thousand one hundred and ninety-five (1195) of the Code of Civil Procedure, concerning consolidation of separate actions.

Senate Bill No. 69—An Act to create and maintain a Relief and Pension Fund in the Police Department of all cities in this State having a police force of one hundred or more members, and to provide for the administration of such fund.

FRANK D. RYAN, Chief Clerk.  
ED. F. SMITH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed Messrs. W. P. Mathews, Hyde, and Spurgeon, a Committee of Free Conference on behalf of the Assembly, to act with a like committee from the Senate upon the disagreement existing between the Senate and Assembly on Senate Bill No. 107.

FRANK D. RYAN, Chief Clerk.  
F. J. BRANDON, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 92.

FRANK D. RYAN, Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bills Nos. 66, 304, 93, 17, and 69, to enrollment.

Senate amendments to Assembly Bill No. 92 concurred in.

Mr. Murphy moved to take up, out of order, Senate Bill No. 437.

So ordered.

Senate Bill No. 437 read third time, and refused passage by the following vote:

AYES—Messrs. Byrnes, Caminetti, Crandall, Dixon, Hall, Haynes, Jones, Lenahan, McCarthy, Moffitt, Sargent, Spellacy, and White—13.

NOES—Messrs. Abbott, Briceland, Gesford, Hinshaw, Langford, Murphy, Patterson, Roth, Steele, and Walrath—10.

Mr. Murphy gave notice of a motion to reconsider the vote just had, whereby Senate Bill No. 437 was denied a passage.

Mr. White moved to have added to the list of bills provided for in his resolution adopted to-day, Assembly Bills Nos. 59, 57, and 58, respectively numbered 252, 253, and 254, on file, in place of Senate Bills Nos. 74, 76, and 77, numbered respectively 87, 88, and 89, on file.

So ordered.

Pursuant to notice given, Mr. White moved to reconsider the vote whereby Senate Bill No. 269 was, on yesterday, refused engrossment.

Mr. White further moved that said motion to reconsider be made the special order for Monday next, after the reading of the Journal.

So ordered.

Assembly Bill No. 280 read first time, and ordered to second reading.

#### RECESS.

At five o'clock and thirty minutes P. M. the Senate took a recess until seven o'clock and thirty minutes P. M.

#### REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Roth, Sargent, Steele, Walrath, and White.

Quorum present.

#### GENERAL FILE—(SECOND READING).

Assembly Bill No. 21 read second time, ordered to third reading, and placed on Special File.



## REPORT OF STANDING COMMITTEE.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, March —, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Assembly Bill No. 19 have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

Journal of yesterday corrected and approved.

Senate Bill No. 132 read second time, and committee amendments, as follows, considered:

Insert, after word "subpœnas," in title of bill, the following: "and enforcing the attendance of witnesses."

Adopted.

Insert, after word "pending," on line twelve, page one: "or said subpoena may be issued by the attorney of record of the party in whose behalf the witness is subpœnaed."

Adopted.

And after word "therein," at end of bill, page three, the following: "This Act shall take effect and be in force from and after its passage."

Adopted.

So amended, Senate Bill No. 132 was ordered engrossed and to a third reading.

## LEAVE OF ABSENCE.

Mr. Meany was granted leave of absence for remainder of to-day's session.

Mr. Pinder was also granted leave of absence for the same time.

Assembly Bill No. 46 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Lenahan, McDonald, Moffitt, Murphy, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Assembly Bill No. 47 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gestord, Goucher, Hall, Haynes, Hinshaw, McCarthy, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—26.

Noes—None.

Title read and approved.

Senate Bill No. 423 read second time, ordered engrossed, to a third reading, and placed on Special File.

## SUBSTITUTE FOR ASSEMBLY BILL No. 459.

Mr. Caminetti asked unanimous consent to make the following amendments to Substitute for Assembly Bill No. 459, by adding thereto, after the provision making appropriation for District Agricultural Society No. 25, the following:

"For aid of District Agricultural Society No. 26, two thousand four hundred dollars."

Amend the provision making appropriation for District Agricultural Society No. 8, by striking out the words "three thousand four hundred dollars," and inserting, in lieu thereof, "two thousand four hundred dollars."

Unanimous consent granted.

The order directing that said Substitute for Assembly Bill No. 459, as amended this day, be printed and passed to a third reading and made special order, reconsidered.

Whereupon, Mr. Caminetti moved the adoption of the foregoing amendments.

So ordered.

Substitute for Assembly Bill No. 459, as further amended, was, on motion, ordered printed and passed to a third reading, and made the special order for Monday next, at two o'clock and thirty minutes p. m.

Assembly Bill No. 138 passed on file.

Assembly Bill No. 395 read second time, and ordered to a third reading.

Assembly Bill No. 259 read second time, and ordered to a third reading.

Assembly Bill No. 180 read first time, and ordered to a second reading.

Assembly Bill No. 136 read second time, and ordered to a third reading.

Mr. Caminetti offered the following: "I move that Assembly Bill No. 138 be recommitted to a committee, consisting of Senator Gesford, with special instructions to amend same, as follows:

*First*—Strike out of section naming counties constituting Agricultural District No. 2, the word "Calaveras."

*Second*—Strike out of section naming the counties constituting Agricultural District No. 8, the word "Amador."

*Third*—Add, at end of section one of bill, the following: "The Counties of Amador and Calaveras shall constitute Agricultural District No. 26."

*Fourth*—Strike out words "provided, that meetings of the society shall alternate between the counties constituting Agricultural District No. 8," where they occur in section one of the bill.

So ordered.

#### REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 5, 1887.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 138, with special instructions to report certain amendments, hereby reports that said amendments have been made as directed.

GESFORD, Committee.

Adopted.

Assembly Bill No. 138, so amended, ordered printed and placed at head of Special File, third reading.

Mr. Sargent moved to amend Assembly Bill No. 199, as follows: by striking out section two thereof, and inserting:

SEC. 2. The provisions of this Act shall not apply to criminal actions pending at the date of the passage of this Act.

Adopted.

Also, by Mr. Sargent: "This Act shall take effect immediately."

Adopted.

Mr. Caminetti moved to amend section one, as follows: after the word "summoned," "*and provided, also*, that a person who is qualified to serve as a juror in the county from which he is summoned, shall be a qualified juror under the provisions of this section."

Adopted.

Bill, so amended, read second time, and ordered to a third reading.

Assembly Bill No. 278 read second time, and ordered to a third reading.

Assembly Bill No. 37 read second time, and ordered to a third reading.

Assembly Bill No. 59 read first time, and ordered to a second reading.

Assembly Bill No. 58 read first time, and ordered to a second reading.

Assembly Bill No. 57 read first time, and ordered to a second reading.

Assembly Bill No. 252 read second time, ordered to third reading, and on Special File.

Senate Bill No. 218 read second time.

Upon the question, "Shall the bill be ordered engrossed and to a third reading?"

The ayes and noes were demanded by Messrs. Vrooman, McCarthy, and Lenahan, and the bill was refused engrossment by the following vote:

AYES—Messrs. Lenahan and McCarthy—2.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—25.

Mr. Gesford moved to rescind the order whereby Senate Bill No. 443 was ordered engrossed, to enable him to offer an amendment to said bill.

So ordered.

Whereupon, Mr. Gesford moved to amend section one, by inserting, after the word "physicians," in line eight, the following: "such sum as may be fixed by the Board of Trustees not exceeding."

Adopted.

So amended, Senate Bill No. 443 was ordered engrossed and to a third reading.

Senate Bill No. 223 read third time.

Upon the question, "Shall the bill be passed?"

The roll was ordered called, and the bill was refused passage by the following vote:

AYES—Messrs. Boggs, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Haynes, Hinshaw, Langford, Steele, and White—12.

NOES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Goucher, Hall, McCarthy, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Vrooman, Walrath, and Wilson—17.

Mr. White withdrew from the Senate files Senate Bills Nos. 172, 406, 177, 398, 403, 353, and 352.

Mr. Dixon also withdrew Senate Bill No. 252.

Mr. Roth moved to take up, out of order, Assembly Bill No. 22, and have same read first time and placed on Special File.

So ordered.

Assembly Bill No. 22 read first time, and ordered on Special File.

Mr. Gesford gave notice that he would, on Monday next, move a reconsideration of the vote whereby the Senate refused to order engrossed Senate Bill No. 218.

## SPECIAL ORDER.

Assembly Substitute for Assembly Bills Nos. 323 et al., read second time.

Whereupon, the Chairman of the Committee on Counties and County Government offered the following report:

SENATE CHAMBER, SACRAMENTO, March 5, 1887.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Assembly Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 503, which was returned to the Senate March second, eighteen hundred and eighty-seven, with the reservation that the committee would thereafter submit amendments thereto, hereby submit the amendments attached to the original bill, and each marked "Senate amendment." The committee recommend the passage of said bill, as amended.

A. CAMINETTI, Chairman.

Mr. Caminetti moved that the amendments reported by the Committee on Counties, County Government, and Township Organization be adopted, and the bill, as thus amended, be printed, and the further consideration thereof be made the special order for Monday, at two o'clock and thirty minutes P. M.

So ordered.

The following are the amendments reported by the committee and adopted:

Amend title, by inserting, after the figures "25," the figures "66."

Also, after the figures "164," insert the figures "165."

Also, after the figures "167," insert the figures "168."

Also, after the figures "198," insert the figures "203."

Also, after the figures "191," insert the figures "192."

Also, strike out the figures "198."

Insert, after the word "five," where it last occurs in title, by inserting the following: "And to insert a new section therein, to be numbered 1104."

Amend first line by inserting "Section 1."

Amend, on line one, page one, after the words "twenty-five," add "sixty-six."

Also, by inserting after the words "sixty-four," the words "one hundred and sixty-five."

"Also, after the words "sixty-seven," insert "one hundred and sixty-eight."

Also, in line two, after the words "seventy-two," insert the words "one hundred and seventy-five."

Also, in line three, same page, after the word "eighty," insert the words "one hundred and eighty-one."

Also, on line four, after words "eighty-seven," insert words "one hundred and ninety."

Also, on line five, same page, after words "ninety-eight," insert words "two hundred and three."

Also, strike out the words "one hundred and ninety-eight," in line five, same page.

On line six, page two, after word "township" insert word "election."

On line one hundred and nine, page five, strike out word "purchase" and insert "sale or transfer."

Also, on line one hundred and ten, same page, strike out word "at" and insert "and."



Amend on pages seven and eight, printed bill, strike out all of subdivision twenty-three, and insert the following:

23. The Board of Supervisors shall annually fix the price at which the county shall be supplied with job printing, stationery, and blank books, and also the price of all county advertising, and each county officer shall procure such supplies and advertising at a price no greater than is so fixed, and certify the bills therefor to the Board of Supervisors; *provided*, that said supplies and advertisements shall be procured within the county when practicable; *and, provided*, that a square of advertising shall be two hundred and forty ems nonpareil.

On page nine, printed bill, after line two hundred and forty-nine, insert the following:

37. To appropriate from the General Fund of the county not to exceed the sum of one thousand (1,000) dollars in any one year, to aid in or carry on the work of inducing immigration thereto.

Section 66. The following officers must reside at the county seat of their respective counties: The County Clerk, Auditor, Recorder, Sheriff, and District Attorney.

Amend page nine, printed bill, after line twenty-three, by inserting the following:

Section 165. In counties of the third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, eight thousand dollars per annum.
2. The Sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive, as additional compensation, the mileage collected by him in criminal cases, where the same is not a charge against his county.
3. The Recorder, seven thousand dollars per annum.
4. The Auditor, six hundred and fifty dollars per annum.
5. The Treasurer, four thousand dollars per annum.
6. The Tax Collector, two thousand four hundred dollars per annum.
7. The Assessor, nine thousand five hundred dollars per annum.
8. The District Attorney, three thousand two hundred dollars per annum.
9. The Coroner, six hundred dollars per annum.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, twelve hundred dollars each per annum.

On page eleven, printed bill, line twenty-five, strike out "Justices of the Peace," and insert "Constables."

On page eleven, line three, printed bill, insert the following:

16. The County Clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said Clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him or in his office, and shall charge and collect for all transcription, recording, and copying done by him or in his office for which the County Clerk is now authorized or empowered to collect fees or make charges, ten cents, and no more, per folio of one hundred words. All fees and charges received or collected by such County Clerk shall belong to and be the property of the county and paid into the treasury thereof. The County Recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words, for all documents or papers or other matter recorded by him or in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and paid into the County Treasury thereof.

Amend, on page eleven, after line thirty-one, printed bill, by inserting the following:

Section 168. In counties of the sixth class, the county officers shall receive for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifty-five hundred dollars per annum.  
 2. The Sheriff, seven thousand two hundred dollars per annum, and for traveling to be computed in all cases from the Court House to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing a writ of habeas corpus, or collecting taxes: *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service; for each mile necessarily traveled by the most practicable route, in going only, twenty cents.

3. The Recorder, five thousand dollars per annum.  
 4. The Auditor, one thousand dollars per annum.  
 5. The Treasurer, twenty-four hundred dollars per annum.  
 6. The Tax Collector, twelve hundred dollars per annum.  
 7. The Assessor, thirty-four hundred dollars per annum; and he shall also receive fifteen per cent on all poll taxes, and six per cent on all personal property taxes collected by him.  
 8. The District Attorney, thirty-five hundred dollars per annum.  
 9. The Coroner, such fees as are now or hereafter may be allowed by law.  
 10. The Public Administrator, such fees as are now or hereafter may be allowed by law.  
 11. The Superintendent of Schools, two thousand dollars per annum.  
 12. The Surveyor, such fees as are now or hereafter may be allowed by law.  
 13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.  
 14. Constables shall receive, for their own use and benefit, the following fees, which shall be in full of all compensation for such service as is now or may be hereafter required of them by law:

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar.

For his trouble and expense in taking possession of and preserving property under attachment, or execution, or other process, as the Court shall order, provided no more than two dollars per diem shall be allowed to a keeper, three dollars.

For taking a bond or undertaking in any case he is authorized to take the same, fifty cents.

For copy of any writ or process, or other paper, when demanded or required by law; for each folio, fifty cents.

For serving every notice, rule, or order, twenty-five cents.

For advertising property for sale, under execution, or any judgment or order of sale, exclusive of the cost of publication, each, fifty cents.

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, two dollars.

For holding each inquest or trial of right of property, to include all service in the matter, except mileage, two dollars.

For serving subpoenas, for each witness served, twenty-five cents.

For traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold an inquest or trial of the right of property, or in executing a writ of habeas corpus: *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete the service, for each mile necessarily traveled, in going only, twenty cents.

For commission for receiving and paying over money on execution or other process when lands or other personal property have been levied on or sold, on the first one hundred dollars, two per cent, and on all sums above that amount, one per cent.

For executing a certificate of sale, fifty cents.

The fees herein allowed shall be collected from the judgment debtor.

For making every arrest in a criminal action, other than on a charge of felony, one dollar.

For making every arrest on a charge of felony, one dollar and fifty cents.

For summoning a jury of twelve or less persons, two dollars.

For every mile necessarily traveled in executing any warrant of arrest, serving subpoenas, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any Court: *provided*, that when any two or more persons are served at the same time, or in the same direction, but one mileage shall be charged to the most distant point: twenty-five cents per mile, in going only.

For conveying a prisoner when under arrest, the necessary expense actually paid for transportation.

On page twelve, line eighteen, printed bill, substitute for subdivision thirteen, of section one hundred and seventy-two, the following:

13. Justices of the Peace, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of county officers are paid, such salary to be in full compensation for all services of every kind, nature, or description required of them by law in criminal cases. Each Justice of the Peace must keep a book open to the inspection of the public during office hours, in which must be entered at once, and in detail, the amount of all fines collected by him in criminal cases; and on the first Monday of each and every month he must pay such fines so collected (less the amount now provided by law to be paid to some other officer or person) into the County Treasury for the benefit of the county; *provided*, that said Justices of the Peace shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases.

Amend subdivision fifteen, of section one hundred and seventy-two, page twelve, line thirty-one, of printed bill, by striking out the words "five dollars per diem and mileage," and inserting, in lieu thereof, the words "each seven hundred dollars per annum, without mileage."

Page thirteen, at the end of line eleven, insert the following: "*provided*, he may charge and receive for his use necessary expense for traveling on county or public business, to be allowed as other county charges are allowed by law."

Strike out of subdivision seven of section one hundred and seventy-nine, the words "to include cost of all necessary maps."

Amend section one hundred and eighty-one after the word "annum," in subdivision eleven, insert the following: "And traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge."

Also, in same section, at end of subdivision fifteen, insert the following: "The provision hereof respecting the deputy for the County Assessor and expenses of Superintendent of Schools shall take effect immediately."

At end of subdivision fifteen, of section one hundred and ninety, insert the following: "The provision hereof respecting the deputy for the County Assessor shall take effect immediately."

On page eighteen, of printed bill, line eighteen, strike out word "ten," and insert "twenty."

On page twenty, line ninety-five, strike out the words "for recording marriage licenses and certificate to be paid by the Clerk, one dollar."

Amend, by inserting, after line one hundred and fourteen, page twenty-one, printed bill, the following:

Section 192. In counties of the thirtieth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries and fees hereinafter respectively mentioned, and shall be allowed for the performance of services required of them by law, as herein provided; and such officers may lawfully charge, demand, and receive, and must pay the amount received by them into the State Treasury, or Treasury of the county, to which such fees may be due by law, except where the officer is by law entitled to receive the fees collected for his own use and benefit, the amounts hereinafter respectively specified. All fees shall be payable only in gold and silver coin of the United States.

1. The County Clerk shall receive as compensation twenty-five hundred dollars per annum.

#### FEES OF COUNTY CLERK.

At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant, two dollars, to cover costs for the same time. If, in the progress of the action, the sums allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the termination of the action, shall be returned by the Clerk to the party who advanced them, on demand. The Clerk of the Superior Court shall receive for entering each suit on the Clerk's register of actions, and for making the



necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents.

For issuing every writ of process, under seal, fifty cents, except the writ of habeas corpus.

For issuing each subpoena for one or more witnesses, twenty-five cents.

For filing each paper, fifteen cents.

For entering every motion and order, rule, default, discontinuance, dismissal, or non-suit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty-five cents.

For calling and swearing every jury on *voire dire*, twenty-five cents.

For calling and swearing every jury to try cause, twenty-five cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents.

For making up and filing judgment roll, twenty-five cents.

For each entry of judgment on judgment docket, twenty cents.

For entering satisfaction or credit on judgment docket, twenty-five cents.

For administering every oath or affirmation, twenty cents.

For certifying the same, twenty cents.

For copy of any proceeding, record, or paper, per folio, fifteen cents.

For every certificate under seal, twenty-five cents.

For issuing every commission to take testimony, fifty cents.

For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents.

For issuing every execution, or other final process, under seal, fifty cents.

For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents.

For receiving and filing every remittitur from Supreme Court accompanying papers, fifty cents.

For taking and approving each undertaking or bond, twenty-five cents.

For taking justification thereto, twenty-five cents.

For taking testimony on justification to undertaking or bond, for each folio, fifteen cents.

For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing every suit in the general index of the Court, as required by law, for each name, ten cents.

For filing and entering papers on transfer of cases from other Courts, two dollars.

For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar.

For searching records or files of each year, except for suitors or their attorneys, fifty cents.

For filing all papers on appeal from Justices' Courts, for each case, one dollar.

For writing and posting each notice required, twenty-five cents.

For each notice for publication, in addition to the cost of publication, twenty-five cents.

For recording papers required by law to be recorded, for each folio, fifteen cents; for indexing same, twenty cents.

For issuing each marriage license, one half to be paid to the County Recorder, two dollars.

For recording the testimony, and commitment upon examination of insane persons, when it is ascertained by the Judge of the Superior Court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents.

For filing all papers to be kept by him not required to be recorded, ten cents; for indexing same, for each name, ten cents.

For issuing any license required by law, one dollar.

For all services in estates of deceased persons fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisement thereof. Estates of the value of five hundred dollars or less, two dollars; estates of five hundred dollars and not exceeding five thousand dollars, ten dollars; estates of five thousand dollars and not exceeding twenty thousand dollars, twenty-five dollars; estates of over twenty thousand dollars, fifty dollars. The two last named classes of estates shall be charged ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the County Clerk shall charge and collect for each action or proceeding commenced in the Superior Court of said county, a fee of one dollar in addition to the fees above mentioned, which sum shall be deposited in the treasury of the county, as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the Judge of Superior Court of such county, for said purpose. No fees shall be charged for affidavits or certificates for or in behalf of United States pension applicants.

2. The Sheriff shall receive as compensation four thousand dollars per annum, and his mileage, at the rate of twenty-five cents per mile for each mile necessarily traveled, in going only.

#### FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents.



For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar.

For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars.

For his trouble and expense in taking and keeping possession of and preserving property under attachment, or execution, or other process, such sum as the Court may order; *provided*, that no more than three dollars per diem shall be allowed to a keeper.

For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents.

For copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents.

For serving every notice, rule, or order, fifty cents.

For advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents.

For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars.

For holding each inquest, or trial of right of property, to include all services in the matter, except mileage, two dollars.

For serving a subpoena, for each witness summoned, twenty-five cents.

For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete such service, for each mile necessarily traveled, in going only, twenty-five cents.

For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent.

For commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one half of one per cent on all sums over that amount.

The fees herein allowed for the levy of an execution, cost of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein.

For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents.

For executing a certificate of sale, exclusive of the filing, and recording the same, one dollar.

For summoning a trial jury of twelve persons or less, three dollars.

For all services in Justices' Courts, the same fees as are allowed Constables for like services.

For conveying a prisoner, when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the State for the conveyance of prisoners to the State's Prison and conveyance of persons to the Insane Asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

3. The Recorder shall receive as compensation, fifteen hundred dollars per annum.

#### FEES OF RECORDER.

For recording every instrument, paper, or notice, fifteen cents for each name indexed.

For copies of any record or paper, per folio, fifteen cents.

For filing every instrument for record, and making the necessary entries thereon, fifteen cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents.

For searching records or files in his office for each year, when required, fifty cents.

For abstract of title, for each conveyance or incumbrance certified, twenty-five cents.

For recording every plat or map, for each course, five cents.

For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars.

For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents.

For recording marriage license and certificate, to be paid by the Clerk, one dollar.

For recording transcript, and for all other services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering oath or affirmation, twenty-five cents.

For certifying same, twenty-five cents.

For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents.

For recording mining claims and water rights, the same as are allowed for recording any other instrument.

For all other services not herein enumerated the same fees as are allowed the Clerk of the Superior Court for like services.

4. The Auditor shall receive as compensation, one thousand dollars per annum.  
 5. The Treasurer shall receive as compensation, twelve hundred dollars per annum.  
 6. The Tax Collector shall receive as compensation, fifteen hundred dollars per annum.  
 7. The Assessor shall receive as compensation, thirty-five hundred dollars per annum; *provided, however*, the Assessor shall be entitled to receive and retain for his own use six per cent of personal and property tax collected by him as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes.

8. The District Attorney shall receive as compensation, fifteen hundred dollars per annum, and traveling expenses incurred by virtue of his office to be fixed and allowed by the Board of Supervisors.

9. The Coroner shall receive as compensation, the following sums, viz:

For general services in holding an inquest, ten dollars.

For each witness subpoenaed, twenty-five cents.

For each mile necessarily traveled in going to the place of the inquest, twenty-five cents.

For directing or attending the execution of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge.

When acting as or in the place of the Sheriff the same fees as are allowed the Sheriff for like services.

10. The Public Administrator shall be allowed and receive such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools shall receive as compensation, six hundred dollars per annum, and his necessary traveling expenses incurred otherwise to be fixed and allowed by the Board of Supervisors.

12. The Surveyor shall be allowed and receive such fees as are now or hereafter may be allowed by law.

13. The Justices of the Peace shall receive as compensation the sums respectively mentioned hereafter, viz:

For entering every case upon his docket, fifty cents.

For filing each paper in the suit, twenty-five cents.

For issuing any writ or process by which the suit is commenced, fifty cents.

For issuing each subpoena for one or more persons, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment or arrest or for the delivery of property, fifty cents.

For taking or returning any bond or undertaking directed by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents; for issuing an execution, fifty cents; for taking depositions, per folio, fifty cents.

For issuing search warrant, fifty cents.

For affidavit for search a warrant, including entry on his docket when there is no other or further action, fifty cents.

For entry of cause without process, one dollar.

For entering every motion, rule, order, exception, or default, twenty-five cents.

For entering any final judgment, for the first folio, fifty cents for every additional folio, fifteen cents.

For entering judgment by confession, or default, or otherwise, as required in the Superior Court, two dollars; *provided, however*, that it shall be the duty of Justices of the Peace to pay into the County Treasury all sums of money by them received in all criminal cases for fines or other purposes.

For entering satisfaction of a judgment, fifty cents.

For issuing certificate to take testimony, fifty cents.

For transcript of a judgment, order, docket, or paper in his office, for each folio, fifteen cents.

For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

For taking acknowledgment of any instrument for the first name, fifty cents and for every additional name, twenty-five cents.

For calculating a marriage and returning certificate thereof to the County Recorder, five dollars.

For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether an examination or trial, two dollars; but there shall be allowed for all depositions required by law to be taken including the transmission to the County Clerk of the papers in the case, for each folio, fifteen cents; *provided*, no additional compensation shall be allowed for taking bail.

For all services connected with the posting of estrays, including transcript to the Recorder, two dollars.

For all services pertaining to the Coroner's office, the Justice of the Peace who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed to the Coroner for similar services.

When the venue shall be changed in a civil case, the Justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and

papers, shall receive such fees as have accrued in the case; all of which fees must be paid before the Justice shall be required to transmit the papers; and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. When the venue shall be changed in criminal cases, the fees shall be equally divided between the Justices. In case of appeal, all fees of the Justice, including those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk.

14. The Constables shall receive as compensation the fees hereinafter respectively designated, viz.:

*First*—For serving summons in civil cases, fifty cents.

*Second*—For summoning any jury before a Justice of the Peace, including mileage, two dollars.

*Third*—For making sales of estrays, the same fees as for sales on execution.

*Fourth*—For executing every warrant of arrest and making said arrest, in a criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile; *provided, however,* that mileage shall be allowed but one way for all services performed by Constables.

*Fifth*—For all other services, including mileage, the same fees as are allowed the Sheriff for similar services.

15. The Supervisors shall receive as compensation the sum of six hundred dollars per annum, and mileage for attending meetings, to be allowed one way, at twenty cents per mile.

Strike out all of section one hundred and ninety-eight.

Amend, by inserting after line six, on page twenty-three, the following:

Section 203. In counties of the forty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries to wit:

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, one thousand eight hundred dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, twelve hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five dollars per day for each day while in session, and twenty cents per mile in traveling from his residence to the county seat; *provided,* that such per diem and mileage shall not exceed the sum of three hundred and fifty dollars per annum.

Amend, in section two hundred and eleven, line three, printed bill, after the word "assistants," by inserting the following: "unless in this Act otherwise provided."

Also, in line five, same section, after "provided," insert "unless in this Act otherwise provided."

Amend, on page twenty-three, printed bill, after the words "twenty-sixth," on line eighteen, by inserting the words "twenty-ninth."

After the word "courts," at end of section two hundred and eleven, add the following:

"Whenever the salary or compensation of any officer is increased or diminished by the terms of this Act, the provisions hereof, so increasing or diminishing such salary or compensation, shall not apply to or affect present incumbents, unless where otherwise in this Act expressly stated."

At end of section two hundred and eighteen, add a new section, to be known as section two, and to read as follows:

SEC. 2. A new section is hereby added to said Act, to be numbered one hundred and ten and a half, to read as follows:

Section 110]. It shall be the duty of the Tax Collector, except where it is herein otherwise expressly stated, to collect all taxes levied by law, or imposed by ordinance of the Board of Supervisors, in the manner and subject to the terms of the law or ordinance providing for the same.

Mr. Moffitt in the chair.

SPECIAL FILE—THIRD READING.

Senate Bill No. 422—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits, wherein the State is a party in interest, for the thirty-fifth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Caminetti, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Langford, Lenahan, McDonald, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—26.  
 NOES—None.

Title read and approved.

Assembly Bill No. 256—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-sixth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McDonald, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—27.  
 NOES—None.

Title read and approved.

Assembly Bill No. 258—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—28.  
 NOES—None.

Title read and approved.

Mr. Wilson moved to take up and read the following bills out of order, viz.: Senate Bill No. 144, Assembly Bills Nos. 148 and 134.

There being no objections it was so ordered.

Senate Bill No. 144—An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Murphy, Patterson, Roth, Sargent, Spellacy, Vrooman, Walrath, White, Wilson, and Yell—23.  
 NOES—Mr. Steele—1.

Title read and approved.

Assembly Bill No. 262—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.



Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Patterson, Roth, Sargent, Spellacy, Steele, Vrooman, White, and Yell 27.  
 NOES—None.

Title read and approved.

SPECIAL FILE—SECOND READING.

Senate Bill No. 358 (19 on file) read second time, ordered engrossed, and to a third reading.

ADJOURNMENT.

At eleven o'clock and ten minutes P. M., on motion of Mr. Spellacy, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,  
 Monday, March 7, 1887. }

The Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Approval of Journal set for seven o'clock and thirty minutes this evening.

Mr. Murphy moved that the vote whereby Senate Bill No. 437 was refused a passage, on Saturday last, be reconsidered.

So ordered.

SPECIAL ORDER.

Assembly Bill No. 459—An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years.

Consideration of bill proceeded with.

Mr. Vrooman moved that Substitute for Assembly Bill No. 459 be referred to a special committee, to consist of Senator Moffitt, with instructions to amend said bill as follows, to wit: on page five, ahead of line one hundred and twenty-one, insert "For target practice, National Guard, thirty-five hundred dollars;" "for carriage for Gatling battery, five hundred dollars;" line one hundred and twenty-four, after word "uniforms," insert "and equipments."

So ordered.

## REPORT OF SELECT COMMITTEE.

MR. PRESIDENT: The special committee to whom was referred Assembly Bill No. 459, respectfully report the said bill back with amendments incorporated therein, as instructed.

MOFFITT, Committee.

Adopted.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Nos. 347, 423, 419, 418, 358, 61, 132, 346, 356, 443, 199, 459, 332, and 19.

SPELLACY, Chairman.

## RECONSIDERATION OF BILL.

Senate Bill No. 437.

The question being upon the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hurshaw, Jones, Lennahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Sullivan, Walrath, White, and Yell—32.

NOES—Messrs. Steele and Vrooman—2.

Title read and approved.

## RESOLUTION—(OUT OF ORDER).

By Mr. Roth:

*Resolved*, That Senators Clunie, Langford, and Sargent be and they are hereby appointed a Committee of Free Conference, to meet a similar committee heretofore appointed by the Assembly, in relation to Senate Bill No. 107, and the amendments thereto, proposed by the Assembly and rejected by the Senate.

Adopted.

## MOTION.

Mr. Gesford moved to take up, out of order, Senate Bill No. 428 for first reading.

So ordered.

Senate Bill No. 428 read first time, and ordered to second reading.

## REPORT OF STANDING COMMITTEE.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the following: Senate Bill No. 412—Entitled an Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals to the Supreme Court.

Also, Senate Bill No. 417—Entitled an Act to amend sections one thousand three hundred and fifty-two, one thousand three hundred and seventy, and one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the disabilities of married women to act as executors, administrators, or guardians.

Also, Senate Bill No. 428—Entitled an Act to add a new section to the Political Code, to be numbered section three thousand two hundred and thirty-five, relating to the furnishing of supplies, under contract, to all public institutions under the control of the State, or of any county, city and county, city, or town thereof.

Also, Senate Bill No. 432—Entitled an Act to amend an Act entitled an Act to regulate fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto, approved March 5, 1870.

Also, Assembly Bill No. 220—Entitled an Act to repeal sections one thousand one hundred and eighty-six and one thousand one hundred and ninety-one, and to amend section one thousand one hundred and eighty-seven of an Act entitled "An Act to establish a Civil Code."

Also, Assembly Bill No. 224—Entitled an Act to amend section one thousand six hundred and forty-six of the Code of Civil Procedure of California, relating to funeral expenses, of last sickness, and the purchase and improvement of a grave lot for the deceased.

And recommend that they do pass.

Also, Assembly Bill No. 26—Entitled an Act to amend sections three hundred and thirty-nine, three hundred and forty-one, and three hundred and forty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning pawnbrokers, their duties and liabilities.

Also, Assembly Bill No. 155—Entitled an Act relating to estrays.

Also, Substitute for Assembly Bill No. 91—Entitled an Act to amend section six hundred and thirty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to repeal section six hundred and thirty-three and section six hundred and thirty-four of said Act, relating to the trials by the Court and findings.

Also, Assembly Bill No. 157—Entitled an Act to amend section one thousand three hundred and thirty of the Code of Civil Procedure of the State of California, concerning the contest of the probate of wills.

Also, Assembly Bill No. 162—Entitled an Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for the Governor and Lieutenant-Governor.

Also, Assembly Bill No. 182—Entitled an Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges to jurors in criminal cases.

Also, Assembly Bill No. 193—Entitled an Act to amend section three thousand four hundred and forty-nine of the Civil Code of the State of California, approved March 21, 1872, relating to assignments for the benefit of creditors.

Also, Assembly Bill No. 221—Entitled an Act to repeal sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, two thousand four hundred and sixty-nine, two thousand four hundred and seventy, and two thousand four hundred and seventy-one of an Act to establish a Civil Code, approved March 21, 1872, relative to partnerships.

And report the same back, without recommendation.

Also, Assembly Bill No. 194—Entitled an Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury—and recommend that it do not pass, because a similar bill has passed the Senate, and is now before the Assembly.

Also, Senate Bill No. 7—Entitled an Act to amend an Act entitled "An Act to establish a Penal Code," by amending section one thousand and forty-six thereof, relating to forming juries in criminal causes.

Also, Senate Bill No. 24—Entitled an Act to amend section forty-seven of the Code of Civil Procedure, relating to the time and place of holding sessions of the Supreme Court.

Also, Senate Bill No. 55—Entitled an Act to amend an Act entitled "An Act in relation to the care of orphan and abandoned children," approved March 7, 1883.

Also, Senate Bill No. 98—Entitled an Act to regulate fees of Clerks of Superior Courts of this State.

Also, Senate Bill No. 99—Entitled an Act to establish jury fees in Courts of record of the State of California.

Also, Senate Bill No. 176—Entitled an Act to amend section one thousand three hundred and thirteen of Chapter I, Title VI, of Division II, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by substituting in said section the word "issue" in lieu of the words "legal heirs," and by restraining the power of a testator as against his issue to devise or bequeath for charitable uses more than one third of his estate.

Also, Senate Bill No. 293—Entitled an Act fixing a standard of time.

Also, Senate Bill No. 307—Entitled an Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880.

Also, Senate Bill No. 362—Entitled an Act to repeal sections six hundred and thirty-two and six hundred and thirty-three of the Code of Civil Procedure, to substitute a new section therefor, relating to the subject of findings.

Also, Senate Bill No. 351—Entitled an Act to amend section three hundred and seventy-six and section three hundred and seventy-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to cases where an action may be obtained for injury or death caused by the wrongful act or neglect of another, and relating to the persons who may maintain such action, and concerning the measure of damages in such cases, and providing for compromises, and settlement of such claim by executors and administrators in certain cases.

Also, Senate Bill No. 364 - Entitled an Act to amend section nine hundred and thirty-nine of the Code of Civil Procedure of California, upon the subject of appeals.

Also, Senate Bill No. 382 - Entitled an Act to create a permanent Code Commission.

Also, Senate Bill No. 427 - Entitled an Act to amend section twenty-eight of an Act entitled "An Act to regulate fees of office, and to repeal certain other Acts in relation thereto," approved March 5, 1870, as amended March 1, 1872.

Also, Senate Bill No. 433 - Entitled an Act to amend section one thousand six hundred and ninety-six, Code of Civil Procedure.

Also, Senate Bill No. 434 - Entitled an Act to amend an Act establishing a Penal Code of California, by adding two new sections, to be known and numbered four hundred and twenty and four hundred and twenty-one, relating to the interference with laborers - and report the same back, without recommendation.

Also, Senate Bill No. 15 - Entitled an Act to provide an additional Judge of the Superior Court of the County of San Bernardino - and recommend that it do not pass, because a similar bill has passed the Assembly and is now before the Senate.

CLUNIE, Chairman.

#### MOTION.

Mr. Sargent moved to take up, out of order, Assembly Bill No. 19 for first reading.

So ordered.

Assembly Bill No. 19 read first time, and ordered to second reading.

Mr. White, by unanimous consent, proposed the following:

#### CONSTITUTIONAL AMENDMENT No. 7.

To propose to the people of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department.

*Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. one thousand eight hundred and eighty-seven, two-thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section seventeen, of article six, of the Constitution of said State, be amended so as to read as follows:*

Section 17. The Justices of the Supreme Court, and Judges of the Superior Court, shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salary of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. The annual salaries of the Justices of the Supreme Court shall be seven thousand five hundred dollars (\$7,500) each, and the Supreme Court Commissioners six thousand (\$6,000) dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the Counties of Alameda, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, San Diego, San Bernardino, Colusa, and Tehama, who shall receive five thousand dollars, and the Judges of the Counties of Sonoma and San Joaquin shall receive four thousand dollars each.

Mr. Vrooman moved that the Senate do now take up, and consider in the order herein named, the following bills, to wit:

Senate Bill No. 19 (53 on file).

Senate Constitutional Amendment No. 2 (in Assembly messages).

Senate Bill No. 448 (21 on file).

Senate Bill No. 449 (22 on file).

Senate Bill No. 443 (8 on file).

Assembly Bill No. 278 (7 on file).

Senate Bill No. 61 (9 on file).

Senate Bill No. 358 (10 on file).

Senate Bill No. 346 (11 on file).

Assembly Bill No. 395 (12 on file).

Assembly Bill No. 259 (13 on file).

Senate Bill No. 356 (14 on file).

Assembly Bill No. 563 (20 on file).



Assembly Bill No. 198 (26 on file).  
 Assembly Bill No. 357 (27 on file).  
 Assembly Bill No. 241 (34 on file).  
 Assembly Bill No. 421 (35 on file).  
 Assembly Bill No. 326 (148 on file).

Mr. Meany moved, as an amendment, that all Assembly Bills be taken up in the order in which they appear on the Senate files.

Mr. Bowers moved, as an amendment to the amendment, the following:

*Resolved*, That the Senate consider bills, beginning with the Special File, in regular order, from eight o'clock to ten o'clock this evening, and every evening hereafter.

Lost.

The amendment proposed by Mr. Meany was also lost.

The question recurring upon the motion of Mr. Vrooman, a vote was had, and the motion prevailed.

Mr. White moved that all Senate Bills which have not been read first time be stricken from the file.

So ordered.

Reading of bills, in pursuance to the order of the Senate, made by the adoption of Mr. Vrooman's motion, proceeded with.

Senate Bill No. 19 read third time, and passed by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crummins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Mr. Gesford moved to take up Assembly messages.

So ordered.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Substitute for Assembly Bills Nos. 314 and 284—An Act to amend Chapter III of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and each and every article and section of said Chapter III, and substituting a new Chapter III, to take the place thereof in the said Act, relating to the organization, incorporation, and government of municipal corporations of the second class.

Also, Assembly Bill No. 274—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons, approved February 18, 1881.

Also, Assembly Bill No. 347—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to powers and duties of Board of Directors of the State Insane Asylum at Stockton.

Also, Assembly Bill No. 248—An Act to amend the Penal Code, by adding a new section thereto, to be known as section sixty-eight *a*, in relation to crimes by and against the executive power of the State.

Also, Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section two thousand two hundred and ninety, relating to legal proceedings in cases of trusts.

Also, Assembly Bill No. 250—An Act to amend section six hundred and thirty-six of an Act entitled an Act to establish a Penal Code, approved February 11, 1872, relating to the preservation of fish.

Also, March fifth, Senate Bill No. 25—An Act to amend section one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act

entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial.

Also, Senate Bill No. 145. An Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880.

Also, amended, and adopted, as amended, Senate Constitutional Amendment No. 2. To propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Substitute for Assembly Bills Nos. 314 and 284 referred to Committee on City, City and County, and Town Governments.

Assembly Bills Nos. 274, 248, and 273, severally referred to Committee on Judiciary.

Assembly Bill No. 347 set at foot of Special File.

Assembly Bill No. 250 referred to Committee on Fish and Game.

Senate Bills Nos. 25 and 145, to enrollment.

Senate Constitutional Amendment No. 2: the question arising upon the adoption of the Assembly amendments to Senate Constitutional Amendment No. 2.

Mr. Yell moved that the Senate concur in Assembly amendment as follows: by adding, after the sentence ending with the word "amendment," in line forty-six, section two, the following: "The Commission may be continued for such time thereafter as may be fixed by an Act passed by a vote of two thirds of the elected members of each House of the Legislature, and approved by the Governor."

Adopted.

Also, amend, by striking out of section two, line seven, the words "the same term that he was elected or appointed Justice," and inserting, instead, the words "for a term of four years from the second Monday in January after the regular election of Justices as required by section three of this article."

Adopted.

Also, in section two, lines ten and eleven, strike out the words "and the Justice so elected shall be Chief Justice for the remainder of his term."

Adopted.

Also, amend, by striking out all after line seventeen, on page three, being all of section seventeen.

Adopted.

Upon the question, "Will the Senate concur in Assembly amendment to section seventeen?"

The ayes and noes were demanded by Messrs. Yell, White, and Sargent, and the amendment was not concurred in, by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Chandler, Clunie, Crummins, Goucher, Hinchaw, Jones, Langford, Leland, McDonald, Moffitt, Murphy, Roth, Vrooman, and Yell—18.

NOES—Messrs. Abbott, Caminetti, Conklin, Crandall, Dixon, Gestord, Hall, Haynes, McCarthy, McCudden, Sargent, Steele, Walrath, and White—14.

It appearing that several Senators had voted under a misapprehension as to what the question was, upon the vote just had, whereby the Senate refused to concur in Assembly amendment to section seventeen, Mr. White moved that the Senate do now reconsider the

vote whereby the Senate refused to concur in said Assembly amendment.

Ayes and noes demanded on Mr. White's motion by Messrs. Clunie, White, and Yell, and the motion was carried by the following vote:

AYES—Messrs. Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Pinder, Steele, and White—16.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Clunie, Dray, Hall, Jones, Murphy, Roth, Sargent, Vrooman, Walrath, and Yell—15.

Upon the question of concurring in Assembly amendment to section seventeen.

The ayes and noes were demanded by Messrs. White, Yell, and Bowers, and the amendment was concurred in by the following vote:

AYES—Messrs. Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gesford, Hall, Haynes, Hinshaw, Langford, McCarthy, McCudden, Pinder, Steele, White, and Wilson—19.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Dray, Jones, Lenahan, McDonald, Moffitt, Murphy, Roth, Sargent, Sullivan, Vrooman, Walrath, and Yell—16.

And Assembly amendment to title, as follows: amend title, by striking out the words "and seventeen," in title, and also, insert the word "and," between the words "two" and "three" in title.

Adopted.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call dispensed with.

Whereupon, Mr. Yell proposed the following amendment to the Constitution, the same being Senate Constitutional Amendment No. 2, as amended in Assembly, in words and figures following:

#### CONSTITUTIONAL AMENDMENT

To propose to the people of the State an amendment to the Constitution of the State, relative to the Judiciary Department.

*Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. one thousand eight hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections two and three, of article six, of the Constitution of said State, be amended so as to read as follows:*

SECTION 2. The Supreme Court shall consist of seven Justices. The Chief Justice and Associate Justices of the Supreme Court, in office at the time of the adoption of this amendment to the Constitution, are hereby continued in office as Chief Justice and Justices of the Supreme Court for the remainder of the terms to which they were respectively elected. When the first vacancy occurs in the office of Chief Justice, the Justices shall elect one of their number to be Chief Justice, and he shall hold the office of Chief Justice of said Court for a term of four years from the second Monday in January after the regular election of Justices as required by section three of this article. An entry of the election of such Chief Justice shall be made in the minutes of the Court and signed by four Justices. Whenever thereafter a vacancy occurs in the office of Chief Justice, a like election shall be had to fill such office. The Supreme Court may sit in departments or in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Justices to each department, and such assignment may be changed by him from time to time. The Justices shall be competent to sit in

either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in bank. The presence of three Justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of two Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in bank. The order may be made before or after judgment pronounced by a department, but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when so convened. The concurrence of four Justices present at the argument shall be necessary to pronounce a judgment in bank; but if four Justices, so present, do not concur in a judgment, then all the Justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four Judges shall be necessary. In the determination of causes all decisions of the Court in bank, or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the Justices assigned to each department shall select one of their number as presiding Justice. In case of the absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act. The Supreme Court Commission, created by the Act of the Legislature approved March twelfth, eighteen hundred and eighty-five, shall continue and be a Supreme Court Commission for four years after the adoption of this amendment. Said Commission may be continued for such time thereafter as may be fixed by an Act passed by a vote of two thirds of the elected members of each House of the Legislature, and approved by the Governor. The members thereof and Secretary shall be appointed as in said Act provided; and such Commissioners shall be subject to removal in like manner as Judges of the Supreme Court. Said Commission shall have the same power to hear and determine causes possessed by a department of the Supreme Court, and causes may be assigned to the Commission in the same manner they are assigned to a department, and after decision they may be ordered heard in bank in the same way and with like restrictions as if decided in department. The judgments of the Commission shall be entered as the judgments of the Court. The Commission shall sit at such times and places as may be designated by the Court, but such Commissioners shall not exercise any judicial functions except when assembled as a Commission, and then they shall only have power to hear and determine such causes as may have been assigned to them.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at large, at the general state elections, and the times and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election. Three Justices shall be elected for the full term at the general State election held in eighteen hundred and ninety, and at the general election held every fourth year thereafter, two Justices shall be elected for full terms of twelve years, except that in every twelfth year thereafter three Justices shall be elected for full terms. If the Chief Justice, or any Justice, becomes permanently disqualified, either mentally or physically, to perform the duties of his office, and such fact is certified to the Governor by five Justices, one of whom may be the Chief Justice in case of the disability of a Justice, the office of such disqualified person becomes immediately vacant, and he shall be paid a retiring salary of two hundred and fifty (250) dollars per month for the remainder of his term. If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office for the remainder of the unexpired term. If a vacancy occur in the office of Chief Justice, before the expiration of the term of the present incumbent, the Governor shall appoint a Justice to hold office as Justice until the first Monday of January, eighteen hundred and ninety-one.

Senate Constitutional Amendment No. 2 adopted, two thirds of the Senate voting in favor thereof, the ayes and noes having been ordered as follows:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—36.

NOES—None.



Assembly Bill No. 448—An Act to appropriate the sum of five thousand dollars, to pay the expenses and disbursements to be incurred and made in maintaining the rights of the State in litigation now pending in or which may come before the Supreme Court of the United States, to which the State is or shall be a party, or in the determination of which the State is or shall be interested.

Mr. White offered the following resolution:

*Resolved*, That Senate Bill No. 448 presents a case of urgency as that term is used in section fifteen, of Article IV, of the Constitution, and that the provision of said section requiring the bill to be read on three several days be dispensed with, and that said bill be this day read a second time, and put upon its passage, such bill having been already read once.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—31.

NOES—Messrs. Byrnes and Yell—2.

Whereupon, the bill was read a second time, and ordered to a third reading.

Whereupon, the bill was read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—Mr. Byrnes—1.

Title read and approved.

Senate Bill No. 499—An Act to appropriate money for salaries of additional clerks in the Controller's office.

Mr. White offered the following resolution:

*Resolved*, That Senate Bill No. 449 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and that the provisions of said section requiring the bill to be read on three several days be dispensed with, and that said bill having been read the first time, be this day read a second and third time and put upon its passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—None.

Title read and approved.

Whereupon, the bill was read a second time, and ordered to a third reading.

Whereupon, the bill was read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

Assembly Bill No. 278—An Act making an appropriation for the payment of claims of certain employés, and other creditors of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCudden, McDonald, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Senate Bill No. 443—An Act to amend section eight of an Act entitled "An Act to provide for the future management of the Napa Asylum for the Insane," approved March 6, 1876, relating to the Resident and Assistant Physicians.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

Senate Bill No. 61—An Act making an appropriation for rent and contingent expenses of Insurance Commissioner, for the thirty-seventh fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 358—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-sixth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 346—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, and Yell—30.

NOES—None.

Title read and approved.

Assembly Bill No. 395—An Act to provide for the deficiency in the appropriation for salaries of the Commissioners of the Supreme Court and their Secretary, for the thirty-eighth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, and Yell—30.

NOES—None.

Title read and approved.

Assembly Bill No. 259—An Act to provide for the payment of the rent of the chambers occupied by the Supreme Court Commissioners.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crandall, Dixon, Gestford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 356—An Act to provide for the deficiency in the appropriation for official advertising for the thirty-eighth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Gestford, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—31.

NOES—None.

Title read and approved.

Assembly Bill No. 563—An Act making an appropriation for the Officers' and Clerks' Fund of the Assembly, for the twenty-seventh session of the Legislature.

Read second time, and ordered to a third reading.

Senate Bill No. 198—Read first time.

Mr. Vrooman moved that said bill be declared a case of urgency, that section fifteen, of Article IV, of the Constitution, be dispensed with, the bill read a first and second time, and put upon its passage, the same having been already read once.

It was so ordered, by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gestford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

Whereupon, the bill was read a second and third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gestford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.

NOES—None.

Title read and approved.

Senate Bill No. 357—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year.

Read second time, ordered engrossed, and to a third reading.

Mr. Vrooman moved that said bill be declared a case of urgency, that section fifteen, of Article IV, of the Constitution, be dispensed with, that the bill be read a third time, the same having been already read twice.

It was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Whereupon, the bill was read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 241—An Act to authorize the Controller to draw his warrant in favor of the Treasurer for the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents, and requiring the Treasurer, in the presence of the State Board of Examiners, to destroy receipts for that amount in his possession, given to various County Treasurers by W. A. January, late State Treasurer, for money left with him by them.

Read second time, ordered engrossed, and to a third reading.

Mr. Vrooman moved that said bill be declared a case of urgency, that section fifteen, of Article IV, of the Constitution, be dispensed with, that the bill be read a third time, the same having been already read twice.

It was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Clunie, Conklin, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—29.

NOES—None.

Whereupon the bill was read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, White, Wilson, and Yell—30.

NOES—None.

Title read and approved.

Senate Bill No. 421—An Act to appropriate the sum of one thousand eight hundred and thirty-seven dollars and thirty-seven cents for deficiencies for the support of the State Board of Forestry, for the thirty-eighth fiscal year.

Read second time.

Mr. Vrooman moved that said bill be declared a case of urgency, that section fifteen, of Article IV, of the Constitution, be dispensed with, and that the bill be read a third time, the same having already been read twice.



It was so ordered by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, White, Wilson, and Yell—31.

NOES—None.

Whereupon, the bill was read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Murphy, Roth, Sargent, Steele, Vrooman, White, Wilson, and Yell—28.

NOES—None.

Title read and approved.

Senate Bill No. 326—An Act to appropriate money to pay the claims of A. L. Rhodes and D. M. Delmas, for services rendered to the State in prosecuting, on behalf of the people of the State of California, certain causes, commonly known as the California railroad tax cases.

Mr. White moved that Senate Bill No. 326 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and that the provisions of said section requiring the bill to be read on three several days be dispensed with, and that said bill be this day read a first, second, and third time, and put upon its passage.

Mr. White moved a call of the Senate.

So ordered.

Messrs. Clunie and Moffitt were each granted temporary leave of absence.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call were dispensed with.

Mr. White's motion was carried by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—27.

NOES—Messrs. Byrnes, Conklin, Gesford, Meany, Pinder, and Walrath—6.

Pending further consideration of the bill, the same was passed on file until to-morrow.

RECESS.

At six o'clock P. M. the Senate took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Gestford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Pinder, Sullivan, Vrooman, White, and Wilson.

Mr. Caminetti moved that Senate Bill No. 346, passed this day and transmitted to the Assembly, be recalled.

So ordered.

Journal of yesterday corrected and approved.

Assembly Bill No. 148—An Act to amend section six of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

On motion of Mr. Wilson, Assembly Bill No. 148 was taken up, out of order, and read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spelacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—34.

NOES—None.

Title read and approved.

Assembly Bill No. 134—An Act to provide for the removal of the mineral cabinet from the State Library—was taken up, out of order, read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—31.

NOES—None.

Title read and approved.

On motion of Mr. Murphy, Assembly Bill No. 110—An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-seventh fiscal year, was taken up, out of order, read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Jones, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Steele, Walrath, White, and Yell—27.

NOES—None.

Title read and approved.

Senate Bill No. 444—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, White, and Yell—29.

NOES—Messrs. Vrooman and Walrath—2.

Title read and approved.

Assembly Bill No. 22 read second time, and ordered to a third reading.

## RESOLUTION—(OUT OF ORDER).

By Mr. Abbott:

*Resolved.* That the Secretary of State be requested and instructed to furnish to each member of the Senate one set each of the Debates of the Constitutional Convention.

Adopted.

On motion of Mr. Goucher, the title of Assembly Bill No. 22 was amended as follows:

Amend title, by striking out letter "s" in word "sections," in title, first line; also, after word "and," in first line of title, insert words "to repeal section."

Adopted.

Also, further amend title, by adding thereto the following: "in relation to the time when the provisions of said Act shall go into effect, as to all the counties named therein."

Adopted.

On motion of Mr. Steele, Assembly Bill No. 138—An Act to amend sections six and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, so as to create one additional district, was taken up, out of order, read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Gestord, Hall, Haynes, Hurshaw, Jones, McCarthy, McCudden, Mc Donald, Meany, Mollitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—29.

NOES—None.

Title read and approved.

## REPORT OF STANDING COMMITTEE.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 4—Entitled an Act to establish a Branch Normal School in Northern California.

Also, Senate Bill No. 39—An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Also, Senate Bill No. 105—An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

Also, Senate Bill No. 214—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Also, Senate Bill No. 66—An Act to appropriate money to pay for the publication of Amendment No. 1 to the Constitution, as submitted at the general election, November second, eighteen hundred and eighty-six.

Also, Senate Bill No. 304—An Act to appropriate money for the purchase of certain roads within limits of the Yosemite Grant.

Also, Senate Bill No. 93—An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Also, Senate Bill No. 17—An Act to amend "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March 13, 1878, by making applicable thereto section one thousand one

hundred and ninety-five (1195) of the Code of Civil Procedure, concerning consolidation of separate actions.

Also, Senate Bill No. 69—An Act to create and maintain a Relief and Pension Fund in the Police Department of all cities in this State having a police force of one hundred or more members, and to provide for the administration of such fund.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.

#### SPECIAL ORDER.

Consideration of majority and minority reports in contested election case of Ryland vs. Conklin.

Mr. White moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

On motion of Mr. Bowers, further proceedings under the call of the Senate were dispensed with.

Whereupon, Mr. Bowers moved to adopt the minority report.

Mr. White offered, as an amendment, the following:

WHEREAS, There is pending before the Senate a contest, wherein Jno. W. Ryland is contestant and E. B. Conklin is respondent, wherein the issue presented is whether said Ryland or said Conklin is the duly elected Senator of this State for the Thirty-second Senatorial District thereof; and whereas, it is, in the judgment of the Senate, necessary, in order to arrive at a just and true decision in the matter of said contest, that the ballots cast in said Thirty-second Senatorial District should be counted and canvassed; therefore, be it

*Resolved*, That a committee of three, composed of Senators Caminetti, Pinder, and Chandler be and they are hereby appointed and empowered by the Senate to proceed to the City of San José, in this State, there to canvass and count all ballots and votes cast at the last general election in the Thirty-second Senatorial District of this State for State Senator, and said committee is hereby authorized and empowered to send for such persons and papers, and to do all acts and exercise all powers proper or necessary to be done in order to fully and correctly count and canvass such ballots and votes; and said committee is hereby directed to report the result of such canvass to the Legislature of this State, at the next session thereof, and said committee is further authorized to make such disbursements for actual and essential expenses as may be necessary.

On the adoption of Mr. White's proposed amendment, the ayes and noes were demanded by Messrs. White, Bowers, and Wilson, and the amendment was refused by the following vote:

AYES—Messrs. Briceland, Caminetti, Jones, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, White, and Yell—15.

NOES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Langford, McCudden, Moffitt, Steele, Vrooman, Walrath, and Wilson—22.

Mr. Goucher, who would have voted "aye," was paired with Mr. Patterson, who would have voted "no."

Mr. Conklin having voted, Mr. White objected thereto, upon the ground that Mr. Conklin, being an interested party, had no right to a voice in the determination of the question before the Senate.

Thereupon, Mr. Conklin withdrew his vote.

Mr. Clunie changed his vote from "aye" to "no," and gave notice that he would, on to-morrow, move a reconsideration of the vote just had.



Mr. Wilson interposed the point of order that, the motion being a subsidiary one, was not susceptible of reconsideration.

By common consent the Chair was permitted to withhold his decision on Mr. Wilson's point of order, until to-morrow.

Whereupon Mr. White called for a reading of the minority report. Minority report read as follows:

#### MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 1, 1887.

MR. PRESIDENT: We, the undersigned members of your Committee on Elections, have carefully examined the testimony and heard the arguments of counsel in the matter of the contested election of Ryland vs. Conklin, and, totally dissenting from the views of the majority, regarding this contest, beg leave to submit a minority report as follows:

We are of opinion that Senator Conklin, the sitting member, should retain his seat in this body. In our opinion, neither the character of the testimony adduced, nor the procedure in taking it, nor yet the rules of law invoked under it to overthrow the record majority of nine votes for Senator Conklin, are such as should commend themselves to the favorable consideration of the honorable members of this body.

But, apart from the evidence, to seat contestant requires, in our judgment, a violation of principles of justice to which we cannot assent. It requires that the rule of interpretation and construction applied to contestant shall be different and more favorable than that applied to respondent.

It requires the overthrow of a direct constitutional provision, an unbroken line of Court decisions, and a rule established by a thousand years of custom, regarding the effect of a full and absolute pardon.

It requires this Senate to say, in principle, that it is above and may disregard the laws adopted for securing orderly and honest procedure at elections, and is not bound by the declared result though every vote is acknowledged to have been lawfully cast and properly counted according to both the spirit and letter of the law.

Therefore, this minority report declares that Senator Conklin, the sitting member, is the duly elected Senator from the Thirty-second Senatorial District, and is alone entitled to that seat.

A. P. HALL,  
JAS. D. BYRNES,  
M. W. DIXON,

Minority Committee on Elections.

Upon the motion of Mr. Bowers, that the minority report be adopted, the ayes and noes were demanded by Messrs. Bowers, Wilson, and Abbott, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Gosford, Hall, Haynes, Hinshaw, Langford, McCudden, Moffitt, Steele, Vrooman, Walrath, and Wilson—20.

NOES—Messrs. Briceand, Caminetti, Clunie, Jones, Lenahan, McCarthy, McDonald, Meany, Pinder, Roth, Sargent, Spellacy, Sullivan, White, and Yell—15.

Mr. Goucher, who would have voted no, was paired with Mr. Patterson, who would have voted aye.

Mr. Murphy, who would have voted no, was paired with Mr. Rose, who would have voted aye.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By unanimous consent, Mr. Vrooman had leave to introduce a bill, out of order, which was read by title, as follows:

Senate Bill No. 450—An Act to pay the officers and men of the Second Brigade of the National Guard of California, for guard duty performed by them in obedience to the orders of the Governor and Commander-in-Chief, from December nineteenth, eighteen hundred and eighty-six, to January thirty-first, eighteen hundred and eighty-seven, both days inclusive.

Mr. Vrooman moved that Senate Bill No. 450 be declared a case of

urgency, that section fifteen, of Article IV, of the Constitution, be dispensed with, and that the bill be, this day, read a first, second, and third time, and put upon its passage.

The motion was adopted by the following vote:

**AYES**—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCadden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spedacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—35.

**NOES**—None.

Whereupon, the bill was read a first time, and ordered to a second reading.

Whereupon, the bill was read a second time, considered engrossed, and ordered to a third reading.

Whereupon, the bill was read a third time, and passed by the following vote:

**AYES**—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCadden, Meany, Moffitt, Murphy, Roth, Sargent, Steele, Vrooman, Walrath, White, and Yell—32.

**NOES**—None.

Title read and approved.

#### SPECIAL ORDER.

Substitute for Assembly Bill No. 323 et al.—An Act to amend sections seventeen, twenty-five, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-six, one hundred and sixty-seven, one hundred and seventy-two, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety-one, one hundred and ninety-three, one hundred and ninety-eight, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, relating to the government of counties.

Read second time, and amended as follows:

By Mr. Caminetti: substitute for present section one hundred and ten and a half, lines three, four, five, and six, page thirty-six:

Section 110½. It shall be the duty of the Tax Collector, except when it is by law otherwise expressly directed, to collect all taxes and licenses levied by law, or imposed by ordinance of the Board of Supervisors, in the manner and subject to the terms of the law or ordinance providing for the same.

Adopted.

Also, to amend subdivision twenty-seven, of section twenty-five, of said substituted bill, by adding after the words "or otherwise," in line two hundred and seventeen, of page eight, the following: "*provided*, that the Boards of Supervisors of the respective counties shall not be empowered to fix a rate of license tax for retail liquor dealers to exceed the sum of twenty-five dollars per quarter."

Adopted.

Also, insert, after word "expenses," page twenty-one, line twenty, the following: "The Supervisors may allow two hundred dollars

additional for traveling expenses, as a county charge, to the Superintendent of Schools."

Adopted.

Insert, after word "Assessor," page twenty-one, line twenty-seven, the following: "And the additional allowance for traveling expenses for County Superintendent."

Adopted.

Also, amend line six, page twenty-one, by striking out "five hundred dollars," and inserting "seven hundred and fifty dollars."

Adopted.

By Mr. Hinshaw: Section one hundred and sixty-eight, on page twelve, line four, strike out "seven thousand two hundred," and insert "six thousand seven hundred."

Lost.

Mr. White moved to strike out all that portion of said bill on page thirty-five, commencing with the words, "in any county," line twenty-eight, to and including the words "Superior Courts," on same page, line forty-one, and insert in lieu thereof the following: "In any county in this State when the number of Judges of the Superior Court shall have been increased since the first day of January, eighteen hundred and eighty-seven, or shall hereafter be increased, the Board of Supervisors of such county shall allow the Sheriff thereof one additional deputy for each additional Judge elected or appointed, because of such increase in the number of Judges, and said Board shall also allow the Clerk of such county one deputy for each additional Judge elected or appointed, because of such increase in the number of Judges. In counties where two additional Judges shall have been or may be appointed under any law increasing the number of Judges, passed since January first, eighteen hundred and eighty-seven, the Clerk shall also be allowed an additional Deputy Clerk, to act as Register Clerk. The compensation to be paid all Deputy Clerks appointed hereunder shall be one hundred and twenty-five dollars per month, and such said compensation shall be paid monthly, in the same manner that other county officers are paid. The compensation to be paid Deputy Sheriffs appointed herewith shall be five dollars for each day's actual attendance upon the Superior Court, which compensation shall be paid by the county monthly, in the same manner that other county officers are paid."

Adopted.

Mr. Hinshaw moved to amend: on page thirteen, line fourteen, strike out "five thousand dollars" and insert "four thousand five hundred dollars."

Adopted.

Also, on page thirteen, line twenty-one, strike out "three thousand five hundred" and insert "three thousand."

Adopted.

Mr. Steele moved to reconsider the vote whereby amendment number two, introduced by Mr. Caminetti, was adopted.

Mr. Bowers moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

**Call of the Senate dispensed with.**

On motion of Mr. Steele, the ayes and noes were demanded by Messrs. Steele, Bowers, and Gesford, and the motion was lost by the following vote:

**AYES**—Messrs. Chandler, Conklin, Crandall, Hall, Haynes, Hinshaw, Roth, Steele, Vrooman, and Yell—10.

**NOES**—Messrs. Bowers, Briceland, Caminetti, Clunie, Crimmins, Dixon, Gesford, Goucher, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Sullivan, White, and Wilson—22.

Mr. Goucher in the chair.

Mr. Sullivan moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Walrath, White, and Wilson—31.

Further proceedings of the call of the Senate dispensed with.

Mr. Hinshaw moved to strike out, in line four, page twelve, "seven thousand two hundred," and insert "six thousand four hundred."

Adopted.

So amended, the bill was ordered printed and to a third reading.

Assembly Bills Nos. 22 and 323 made special orders, in the order named, immediately after the reading of the Journal to-morrow.

**RESOLUTION—(OUT OF ORDER).**

By Mr. Meany, as follows:

*Resolved*, That Tuesday, March eighth, eighteen hundred and eighty-seven, be devoted to the consideration of Assembly Bills alone, and that the Clerk be and he is hereby instructed to prepare a file containing those bills alone, in the order in which they now stand on Senate file.

Mr. White moved as an amendment that Senate Bill No. 428 be exempt from the operation of said resolution.

Amendment accepted, and resolution so amended adopted.

Mr. Gesford moved to reconsider the vote whereby the Senate, on yesterday, refused to order to a third reading Senate Bill No. 218.

The motion to reconsider was continued on file.

Mr. Vrooman moved to take up, out of order, Senate Bill No. 347.

So ordered.

Mr. White's notice of motion to reconsider the vote whereby Senate Bill No. 269 was, on yesterday, refused a third reading, continued on file.

Senate Bill No. 347—An Act to pay the claim of J. W. Rock for the construction of a steam launch.

Read third time, and passed by the following vote:



AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—29.

NOES—None.

Title read and approved.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Clunie:

*Resolved*, That Senate Bill No. 428 presents a case of urgency, as that term is used in Article IV, section fifteen, of the Constitution, and that the provision of said section requiring that said bill be read on three several days be and the same is hereby dispensed with, and said bill is ordered read the second and third times and placed on its passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Vrooman, Walrath, White, and Yell—31.

NOES—None.

Mr. Clunie moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell.

On motion of Mr. Walrath, further proceedings under the call of the Senate were dispensed with.

Whereupon, the bill was read a second time, and ordered to a third reading.

Whereupon, Senate Bill No. 428—An Act to add a new section to the Political Code, to be numbered section three thousand two hundred and thirty-five, relating to the furnishing of supplies, under contract, to all public institutions under the control of the State, or of any county, city and county, city, or town thereof—was read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

#### PETITION.

By Mr. Gesford: On behalf of citizens of San Francisco, members of the Chamber of Commerce, petitioning for the passage of Assembly Bill No. 1, providing for a reduction of the rates of pilotage at the port of San Francisco, etc.

Petition considered read, and ordered spread in full upon the Journal.

*To the honorable the Chairman and members of the Senate of the State of California, now in session at Sacramento:*

The petition of the undersigned members of the San Francisco Chamber of Commerce represents and alleges: That the rates of pilotage to and from the harbor of San Francisco, as established by Act of the Legislature, now in force, are unreasonably excessive, and can bear considerable reduction; that the reduction of those rates would greatly benefit the producing and mercantile interests of the State; that the pilotage bill introduced in the Assembly by the Hon. J. Marion Brooks, and now before your honorable House, provides a reasonable measure of reduction on charges which the produce of the State has to bear.

Wherefore, your petitioners pray and respectfully urge your honorable House to give the said bill favorable consideration, and pass it without modification.

John D. Spreckels, of J. D. Spreckels & Bros.; D. J. Staples, President Fireman's Fund Insurance Company; T. O. Bevtuss; W. H. Dimond, of Williams, Dimond & Co.; John Rosenteld; A. Carpentier; Pope & Talbot; H. Dutard, A. Chesebrough, of Williams, Dimond & Co.; Balfour, Guthrie & Co.; Eppinger & Co.; G. U. McNear, 300 California Street; William Inesbach, 316 California Street; Perrott & Co., 303 California Street; A. Crawford, 27 Market Street; Preston & McKinnon; H. L. E. Meyer, of Meyer, Wilson & Co.; R. B. Cornwall; J. C. Merrill & Co., 204 California Street; William Alvord, President of the Bank of California; Anglo-Californian Bank, Limited, by F. F. Low, Manager; Louis Sloss & Co.; H. A. & W. Mathers, 100 California Street; Welch & Co., 169 California Street; William L. Merry, M. Ehrman & Co., 104 Front Street; Whittier, Fuller & Co., Wm. T. Coleman & Co.; Holbrook, Merrill & Stetson.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Murphy:

*Resolved*, That the sum of twenty-five hundred and eighty-five dollars be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by John W. Ryland in the contested election case of John W. Ryland against E. B. Conklin.

*Resolved*, That the Controller be and he is hereby authorized and instructed to draw his warrant in favor of John W. Ryland for said sum of twenty-five hundred and eighty-five dollars, and the Treasurer of State is hereby instructed to pay the same.

Considered read, and ordered to the Committee on Elections.

Assembly Bill No. 459—An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years.

Mr. Moffitt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crummins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call were dispensed with.

Assembly Bill No. 459 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crummins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Mr. Lenahan moved to take up, out of order, Senate Bill No. 292—An Act to amend section three thousand three hundred and sixty of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to damages in cases of libel or slander.

So ordered.

Senate Bill No. 292 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Conklin, Crandall, Crimmins, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Moffitt, Vrooman, Walrath, White, Wilson, and Yell—23.

NOES—Messrs. Chandler, Dixon, Gosford, Meany, Pinder, Roth, Sargent, Steele, and Sullivan—9.

Title read and approved.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Assembly Bill No. 521—An Act relating to the dissolution and modification of injunctions, and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure.

Senate Bill No. 232—An Act to provide one additional Judge of the Superior Court of the County of Fresno, State of California.

Senate Bill No. 342—An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State.

Senate Bill No. 188—An Act to amend an Act entitled "An Act to grant to Boards of Health, or Health Officers, in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers," approved March 3, 1885, by amending sections one and two thereof.

Senate Bill No. 60—An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 525 referred to Judiciary Committee.

Senate Bills Nos. 232, 342, 188, and 60, to enrollment.

Mr. Caminetti moved to take up, out of order, Senate Bill No. 375.  
So ordered.

Mr. Caminetti introduced Substitute for Senate Bill No. 375.

Substitute adopted, ordered engrossed, to a third reading, and made special order for to-morrow, at one o'clock and thirty minutes p. m.

#### RESOLUTIONS (OUT OF ORDER).

By Mr. Steele:

*Resolved*, That the Secretary of State is hereby required to certify to the Controller the various articles and values of all supplies furnished to each committee clerk of the Senate, together with the various items and value returned to his office by each of said clerks; and the Controller is hereby required to deduct from the pay of any of said clerks the value of all such supplies, other than paper, pens, envelopes, pencils, ink, and blotting paper, which shall not have been so returned to the Secretary of State.

Lost.

By Mr. Dray:

*Resolved*, That the following named Porters of the Senate and committee rooms be and they are hereby allowed the sum of two dollars each per night, for the two weeks last past, for services rendered by them at the night sessions of the Senate during such period of time, and the Controller is hereby authorized and directed to draw his warrant in favor of each of the following named Porters, for such sum, and the Treasurer is hereby directed to pay the same, viz.: Richard Schofield, Charles Melhado, Hank Jones, Albert Grubbs, Isaiah Dunlap, George Locke, Charles Robinson, William Lind, Joseph Van Pragg, William Craig, Granville Hudleston, H. J. Wynne.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Caminetti:

*Resolved by the Senate, the Assembly concurring,* That the twenty-seventh session of the Legislature of the State of California adjourn sine die Tuesday evening, at twelve o'clock midnight.

Mr. Sullivan moved to lay the resolution on the table.

Ayes and noes demanded by Messrs. Caminetti, Vrooman, and Jones, and the motion prevailed by the following vote:

AYES—Messrs. Bowers, Conklin, Dray, Goucher, Hall, Haynes, Lenahan, McCarthy, McCudden, Meany, Pinder, Roth, Sargent, Steele, Sullivan, White, and Yell—17.

NOES—Messrs. Briceland, Caminetti, Chandler, Clinie, Crandall, Gestford, Hinshaw, Jones, Murphy, Vrooman, Walrath, and Wilson—12.

By Mr. Sullivan:

*Resolved,* That Howard Cahill, the Mail Carrier of the Senate, be and he hereby is requested and directed to remain at the Capitol for the period of seven days from and after the date of final adjournment of the twenty-seventh session of the Legislature, to bring to the Capitol all mail for the Senators, coming to Sacramento after such date, and for such services he is hereby allowed the same per diem which he is now receiving, and the Controller is hereby authorized and directed to draw his warrant in favor of said Howard Cahill for said seven days, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### ADJOURNMENT.

At twelve o'clock, midnight, Mr. Jones moved to adjourn.

Ayes and noes demanded by Messrs. Crandall, Steele, and Walrath, and the Senate adjourned by the following vote:

AYES—Messrs. Boggs, Bowers, Caminetti, Chandler, Crandall, Crimmins, Dray, Hall, Haynes, Jones, Lenahan, McCudden, Meany, Pinder, Roth, Sargent, Vrooman, Walrath, Wilson, and Yell—20.

NOES—Messrs. Clinie, Conklin, Gestford, Goucher, Hinshaw, McCarthy, Murphy, Steele, Sullivan, and White—10.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 8, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Briceland, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCudden, Meany, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Walrath, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Reading and approval of Journal of yesterday set for one o'clock and thirty minutes this P. M.



## RESOLUTION—(OUT OF ORDER).

By Mr. Gesford:

*Resolved*, That the Chairman of the Committee on Commerce and Navigation be and he is hereby instructed to report to the Senate immediately Assembly Bill No. 1, and that said bill be placed on the Special File.

Adopted.

## MOTION.

By Mr. White: That Assembly Bill No. 287 be taken up, out of order, and read first time.

So ordered.

Assembly Bill No. 287 read first time, and ordered to second reading.  
Mr. Moffitt in the chair.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, March 8, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Bills have been correctly engrossed:

Senate Bill No. 375 and Assembly Bill No. 323.

DIXON, Chairman.

## MOTION.

Mr. White moved to take up, out of order, Substitute for Senate Bill No. 426—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

So ordered.

Bill read first time.

Mr. Abbott moved to recommit Substitute for Senate Bill No. 426 to a special committee of one, consisting of Senator Caminetti, to amend said substitute by adding thereto the following:

SEC. 6. This Act shall be in force from and after its passage.

So ordered.

## REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT: Your special committee, appointed to make a certain amendment to Substitute for Senate Bill No. 426, hereby reports that such amendment has been made, in accordance with instructions.

A. CAMINETTI, Special Committee.

Report adopted, bill ordered printed, and made the special order for this afternoon, at two o'clock and thirty minutes.

President Waterman in the chair.

Mr. Gesford moved to reconsider the vote whereby the Senate refused a third reading to Senate Bill No. 218.

Mr. Vrooman made the point of order, that Senate Bill No. 218, and all other Senate Bills on the Special File, are not properly thereon, excepting such Senate Bills as were placed thereon by special order of the Senate.

The Chair sustained Mr. Vrooman in his point of order.

The question being upon the motion of Mr. Gesford.

The roll was called, and the motion to reconsider was lost by the following vote:

AYES—Messrs. Boggs, Chandler, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, and Murphy—14.

NOES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Lenahan, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—18.

Mr. Steele moved the previous question.

Lost.

#### FIRST SPECIAL ORDER.

Assembly Bill No. 22—An Act to amend section three and to repeal section four of an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, by amending and revising and subdividing into new sections, section one hundred and sixty-three of said Act, and renumbering sections one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, and one hundred and eighty-four of said Act, shall be hereafter respectively known and numbered as sections two hundred and eleven, two hundred and twelve, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty, two hundred and thirty-one," approved March 18, 1885, in relation to the time when the provisions of said Act shall go into effect as to all the counties named therein.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, Wilson, and Yell—32.

NOES—Messrs. Crandall and White—2.

Title, as amended, read and approved.

Mr. Caminetti moved to pass, temporarily, on file, Substitute for Assembly Bills No. 323 and others.

#### THIRD SPECIAL ORDER.

Senate Bill No. 269—An Act to repeal "An Act concerning corporations and persons engaged in the business of banking," approved April 1, 1876, requiring publication of semi-annual statements by the banks.

The question being upon the reconsideration of the vote whereby the bill was refused a third reading.

Mr. Bowers moved the reconsideration.

Ayes and noes demanded by Messrs. Boggs, Dray, and Abbott, and the Senate refused a reconsideration by the following vote:

AYES—Messrs. Abbott, Boggs, Chandler, Dray, Gesford, Hall, Langford, Pinder, Roth, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—46.

NOES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Goucher, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Sargent, and Spellacy—20.

#### SPECIAL FILE—ASSEMBLY BILLS—THIRD READING.

Assembly Bill No. 252—An Act to add a new section to the Code of Civil Procedure, relating to hearing of appeals in the Supreme Court.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, Wilson, and Yell—34.

NOES—Mr. White—1.

Title read and approved.

Assembly Bill No. 21—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—None.

Title read and approved.

#### RECESS.

The hour of twelve o'clock M. having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Sullivan, Walrath, and White.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 42—Entitled an Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of the Board.

Also, Senate Bill No. 219—An Act to prohibit the sophistication and adulteration of wines, and to prevent fraud in the manufacture and sale thereof.

Also, Senate Bill No. 387—Entitled an Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also, Senate Bill No. 17—Entitled an Act to amend an Act giving a lien to loggers and laborers employed in logging camps, by making applicable thereto section one thousand one hundred and ninety-five of the Code of Civil Procedure.

Also, Senate Bill No. 93—Entitled an Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits.

Also, Senate Bill No. 214—Entitled an Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

### Also, the following:

I herewith return without approval Senate Bill No. 270—Entitled "An Act to amend an Act entitled an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison, at San Quentin, approved March 9, 1885, and making an additional appropriation therefor."

My objections to this bill are as follows:

*First*—It materially changes the purpose and requirements of the Act of 1885. That Act appropriated forty thousand dollars as a Revolving Fund, to be used exclusively in payment for jute to be used in manufacturing at San Quentin, and required the return to the fund of the forty thousand dollars. This bill adds largely to the fund, and authorizes its use in payment of the cost of jute and *expenses of manufacturing the same*, without any limitations. It further provides that "after the payment of the expenses to the support fund or other source, when money is drawn therefrom to pay the expenses of manufacturing jute, and after applying the profits to the support of the prison, the *balance* shall be returned to said Revolving Fund." It thus appears that by this bill all other funds are to be kept fully satisfied and to get the benefit of any profit in the manufacture of jute before the Revolving Fund is to receive what belongs to it, even though this balance were less than the original fund. This is in striking contrast with the Act of 1885, which gives this fund the preference and requires it to be kept intact.

*Second*—The amount appropriated is excessive and too indefinite. By the Act of 1885 the sum of forty thousand dollars was appropriated, which is still in the Revolving Fund or in jute purchased. This bill appropriates seventy thousand dollars, which would make the Revolving Fund one hundred and ten thousand dollars. But, in addition to this sum the Prison Directors are authorized, for the same purpose, "to use so much money as may be necessary, from appropriations, for the use or support of the prison at San Quentin." I am advised that about two hundred and sixty thousand dollars will be and is usually appropriated for such use and support. It is thus seen that the Directors can employ, in addition to the one hundred and ten thousand dollars, an indefinite portion of this two hundred and sixty thousand dollars, for the purpose of paying the expenses of manufacturing jute goods. It is virtually placing over three hundred and seventy thousand dollars in the hands of the Directors to invest in purchasing jute and manufacturing jute goods and in protecting such investment. Again, from the clause above quoted, it seems that the Directors may even employ money from some "other source" besides these appropriations; that is, may borrow money, which money must be paid out of the proceeds of sales of the manufactured goods. This bill encourages investment beyond the requirements of the State Prison. It encourages speculation on behalf of the State and in an article (and its manufacture) of very fluctuating value. It endangers not only the special Revolving Fund, but also the fund provided for the current expenses of the Prison, and it commits the State to the establishment of a factory for the profit that may be made out of it, when, in my opinion, such work should be done only when necessary, and as collateral to the governmental duties of the State.

The provisions of the bill that the money (transferred from the Prison Fund) "shall not be made where such transfer will hinder, or in anywise delay the purpose for which the fund depleted was created," and that money used shall be repaid into the fund depleted out of the proceeds of sale of jute, are not, in my opinion, sufficient safeguards.

*Third*—There is not the usual or sufficient supervision over the expenditures of a portion of the fund. It is evident from the clause first above quoted, that the expenditure of the profits and the payment of the expenses of manufacturing incurred, would be made by the Directors without any auditing or supervision by the Board of Examiners or other officers.



In conclusion, I recommend that the sum asked for by the Prison Directors in their report, thirty thousand dollars, be added to the Revolving Fund of eighteen hundred and eighty-five, and that all profits be placed to the credit of the General Fund, the State having made ample provision in the General Appropriation Bill for all the necessary expenses of the prison.

WASHINGTON BARTLETT, Governor.

Mr. White moved that the consideration of that portion of the Governor's message referring to Senate Bill No. 192, be made the special order for to-morrow, immediately after reading and approval of Journal.

So ordered.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 192—An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home.

Also, passed Senate Bill No. 106—An Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary. And respectfully ask the Senate to concur in Assembly amendments to Senate Bill No. 192.

Also, in accordance with the request of the Senate, respectfully return Senate Bill No. 346—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.

Also, passed the following bills, viz.:

Assembly Bill No. 289—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880.

Assembly Bill No. 449—An Act to amend section seventy-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time when and place where sessions of the Superior Court shall be held.

Assembly Bill No. 526—An Act to repeal an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California," approved February 20, 1872.

Assembly Bill No. 527—An Act to repeal an Act entitled an Act to amend an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California, approved February 20, 1872," approved March 21, 1872.

Assembly Bill No. 560—An Act to appropriate money to meet a deficiency in the appropriation for the State's portions of the salaries of the Superior Judges for the thirty-eighth fiscal year.

Assembly Bill No. 503—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 192: Assembly amendments to Senate Bill No. 192, as follows: amend, by striking out of line three, section two, the words "the erection of suitable buildings, other than dormitories."

Adopted.

Senate concurred.

Also, Article II: amend section three, Article II, of the printed bill, by striking out from line four, at the end thereof, the word "or," and by striking from line five the words "accumulations from the industries of the Home," and by striking from line six the words "on accumulation," and by inserting the word "or," at the end of line six.

Adopted.

Senate concurred.

Amend, by striking out of section twenty-one, Article III, lines two and three, the words "Superintendent, subject to the approval of the."

Adopted.

Senate concurred.

Also, amend, by striking out of section two, Article III, line five, the word "twelve," and inserting, in lieu thereof, the word "six."

Adopted.

Senate concurred.

Also, amend, by striking out, in subdivision three, Article III, the word "twelve," and insert "six," in lieu thereof.

Adopted.

Senate concurred.

Also, amend Article IV, line twenty-seven, by inserting the word "daily," before the word "record," therein.

Adopted.

Senate concurred.

Amend, by striking out of Article IV, line fifty-five, "be twenty-four hundred," and inserting, in lieu thereof, the words "shall not exceed twenty-one hundred."

Adopted.

Senate concurred.

Amend, by striking out of Article V, line six, the word "may," and inserting, in lieu thereof, the word "must."

Adopted.

Senate concurred.

Amend, by striking out "Article VII," (article seven).

Adopted.

Senate concurred, and bill sent to enrollment.

Assembly Bill No. 289 referred to Committee on Judiciary.

Assembly Bills Nos. 449, 526, 527, and 560, placed on file.

Assembly Bill No. 503 referred to Committee on Education, with instructions to report the same back this evening.

#### STRICKEN FROM THE FILE.

On motion of Mr. Caminetti, Senate Bill No. 346 was ordered stricken from the Senate files.

#### ASSEMBLY BILLS—SPECIAL FILE—THIRD READING.

Assembly Bill No. 456—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

Read third time, and passed by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Crimmins, Dixon, Dray, Gestford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Wadsworth, White, and Yell—30.

NOES—NONE.

Title read and approved.

Assembly Bill No. 563—An Act making an appropriation for the Officers' and Clerks' Fund of the Assembly, for the twenty-seventh session of the Legislature.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—31.

NOES—None.

Title read and approved.

#### SPECIAL FILE—ASSEMBLY BILLS—SECOND READING.

Assembly Bill No. 175—An Act to amend section three thousand five hundred and two of the Political Code, relating to school land warrants.

Read second time, and ordered to third reading.

Assembly Bill No. 80—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered and known as section six hundred and three, providing for the formation of certain religious corporations.

On motion of Mr. Vrooman, Assembly Bill No. 80 was referred to Senators Haynes, Gesford, and Wilson, as a special committee, with instructions to report this evening.

Assembly Bill No. 164 read second time, and amended as follows, on motion of Mr. Crandall: add in section one, line eight, printed bill, after the word "mortgagee," the following: "with intent to deprive the mortgagee of his interest therein."

So amended, the bill was ordered to a third reading.

Assembly Bill No. 404: on motion of Mr. Moffitt, the bill was made the special order for Thursday next, at two o'clock and thirty minutes P. M.

Assembly Bill No. 180—An Act authorizing County Clerks in this State to take and certify affidavits for United States pension claimants, without the payment of fees or compensation therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Assembly Bill No. 19: Mr. Meany moved to strike out the enacting clause of the bill.

Ayes and noes demanded by Messrs. Wilson, Dray, and Sargent, and the Senate refused to so order by the following vote:

AYES—Messrs. Bowers, Crandall, Gesford, Goucher, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Vrooman, and Walrath—12.

NOES—Messrs. Abbott, Boggs, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dray, Hall, Haynes, Hinshaw, Langford, Pinder, Sargent, Steele, Sullivan, White, Wilson, and Yell—19.

Mr. Goucher moved to pass the bill on file.

Ayes and noes demanded by Messrs. Briceland, Sargent, and Hall, and the motion was lost by the following vote:

AYES—Messrs. Crandall, Gesford, Goucher, Lenahan, McCarthy, McDonald, Meany, Murphy, Walrath, and White—10.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, McCudden, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Wilson, and Yell—23.

Further consideration of bill postponed until seven o'clock and thirty minutes this P. M.

#### MOTION.

Mr. Caminetti moved that the order of the Senate whereby Assembly Bill No. 175 was this day ordered to a third reading be vacated, in order to afford him an opportunity to offer an amendment.

So ordered.

Whereupon Mr. Caminetti moved to amend as follows: Insert, after the word "State," line three, section one, printed bill, the following: "which were issued for lands the title to which has never been acquired by the State, or become subject to sale by the State, or which lands were sold by the State under the provisions of any other Act."

Adopted.

Assembly Bill No. 175, so amended, was ordered printed, and to a third reading.

#### MESSAGE FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller and Trustees of school districts, as to apportionment of moneys, the enrollment of pupils in the grammar school course, and to provide for the same. And to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, and one thousand six hundred and ninety-six of said Act, in relation to pupils enrolled in the grammar school course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor.

Also, passed as amended, Senate Bill No. 192—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the "restoration and preservation of fish" in the waters of the State of California.

Also, passed Senate Bill No. 447—An Act appropriating money to meet the deficiency in the appropriation to pay the per diem and mileage of the Lieutenant-Governor and State Senators, for the twenty-seventh session.

Also, Senate Bill No. 327—An Act to grant to the United States certain tide lands, belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

FRANK D. RYAN, Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller and Trustees of school districts, as to apportionment of moneys, the enrollment of pupils in the grammar school course, and to provide for the same, and to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, and one thousand six hundred and



ninety-six of said Act, in relation to pupils enrolled in the grammar school course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor.

Assembly amendments concurred in by the Senate, as follows:

Amend subdivision eleventh, section six, by adding thereto "which shall be open to the inspection of any applicant or his authorized agent."

Also, amend title, by inserting, after the words "provide for the same," where the same first occurs in the title, the following: "also, to add a new section to said Code, to be numbered one thousand six hundred and sixty-nine, in relation to the manner in which studies shall be taught in the grammar school course, and grammar grade, and prescribing the duties of teachers, Principals, and County Superintendents in relation thereto."

Amend title, by inserting, after the numbers "1543," where they first occur therein, the following "1771," "1773."

Amend title, by inserting the word "principals," after the words "County Superintendent," the time the same occurs therein.

Amend title, by adding thereto, after the word "therefor," the following: "also, relating to the examination of applicants to teach in the grammar school course, and grammar grade, and the powers of County Boards of Education to grant certificates to teach in the public schools, including said course and grade."

Amend, by adding new section to bill, to follow section three, to read as follows:

SEC. 4. A new section is hereby added to said Act, to be numbered one thousand six hundred and sixty-nine, to read as follows:

1669. In the grammar school course, and grammar grade, all the subjects and studies taught shall, as far as practicable, be segregated into natural groups of allied subjects, and one or more of such groups shall be assigned to each of the teachers employed, according to the teacher's special fitness for teaching such subjects and studies. Each teacher to manage, subject to the direction of the Principal, the instruction in the group of subjects and studies so assigned. Such assignment and segregation shall be made by the Principal, subject to the approval of the County Superintendent.

Also, amend line one, page two, printed bill, by striking out figure "4," and inserting figure "5."

Also, amend line one, section five, printed bill, page five, by striking out figure "5," and inserting figure "6."

Also, amend line one, section six, page five, by striking out figure "6," and inserting figure "7."

Amend, by adding to subdivision second, section six, the following: "The property of any school district that shall lapse shall be sold by the Board of Supervisors, and the proceeds of such sale, after the payment of any indebtedness of the district, shall be placed in the County School Fund; the territory included within the boundaries of said district shall, by order of the Board of Supervisors, be attached to one or more adjoining districts."

Also, add two new sections to bill, to follow present section six, on page eight, printed bill, after the words "Public instruction," to read as follows:

SEC. 8. Section seventeen hundred and seventy-one of said Code is amended to read as follows:

1771. County Boards of Education have power:

First—To adopt rules and regulations, not inconsistent with the laws of this State, for their own government.

*Second*—To prescribe and enforce rules for the examination of teachers.

*Third*—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate, and to grant certificates to three grades, as follows:

1. Grammar school course, valid for four years, authorizing holder to teach in any high school, grammar school course, grammar grade, and primary school.

2. Grammar grade, valid for three years, authorizing holder to teach any grammar grade and primary school.

3. Primary, valid for two years, authorizing holder to teach any primary school.

*Fourth*—To prescribe and enforce the use of a uniform series of text-books, and a course of study in the public schools, and to adopt a list of books for district school libraries.

*Fifth*—To revoke, for immoral or unprofessional conduct, or evident unfitness for teaching, the certificate granted by them.

*Sixth*—To keep a record of its proceedings.

*Seventh*—To issue diplomas of graduation from any of the public schools of the county, which diplomas shall be designated by the Superintendent of Public Instruction, and distributed as other blanks from his office. Diplomas shall be issued only to pupils who have passed an examination prescribed by the County Board of Education. Such diplomas shall be signed by the President and Secretary of the County Board and the Principal of the school.

*Eighth*—To adopt and use, in the authentication of its acts, an official seal.

*Ninth*—All examination papers shall be kept on file in the office of the Superintendent of Schools for at least one year, and shall be open for the inspection of the applicant or his authorized agent.

SEC. 9. Section seventeen hundred and seventy-three of said Code is amended to read as follows:

1773. All examinations shall be in writing in answer to questions formulated by the Board of Education. The said Board shall also examine all applicants orally, touching the questions asked in each study in which a written examination is required, and such other matters in connection therewith as will have a tendency to demonstrate the fitness of the applicant to assume the duties of teacher. The said Board shall ask questions of practical utility with a view of ascertaining the knowledge and ability of the applicant. All examinations shall be public.

Amend line one, section seven, printed bill, by striking out figure "7," and inserting figures "10."

Amend section eight, printed bill, by striking out figure "8," and inserting figures "11."

Amend, further, by adding to said section, preceding word "this," the following: "All laws or parts of laws in conflict with the provisions of this Act are hereby repealed."

So amended, Senate Bill No. 237 was ordered reëngrossed, and to enrollment.

Senate Bill No. 447—An Act appropriating money to meet the deficiency in the appropriation to pay the per diem and mileage of the Lieutenant-Governor and State Senators, for the twenty-seventh session of the Legislature.

To enrollment.

Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Assembly amendments concurred in by the Senate, as follows: amend section one, by adding, after the word "license," on line five, from the bottom of page two, the words "or the fishing by the holder of a license by unlawful lines, nets, seines, buoy-nets, modes or methods in violation of the law for the preservation of fish and game."

Concurred in.

Amend, by adding to section three, the following: "and to the compensation to the Commissioners for each day employed in the discharge of their duties to be fixed by the State Board of Examiners, and all other necessary expenses."

Senate concurred in.

So amended, Senate Bill No. 162 was ordered reëngrossed and to enrollment.

Senate Bill No. 327—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

To enrollment.

Substitute for Assembly Bill No. 323 et al.—To amend sections seventeen, twenty-five, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-six, one hundred and sixty-seven, one hundred and seventy-two, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety-one, one hundred and ninety-three, one hundred and ninety-eight, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, relating to the government of counties.

Mr. Caminetti moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Mr. Caminetti moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

Upon the passage of the bill.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—33.

NOES—Mr. Conklin—1.

Title read and approved.

#### MOTION.

Mr. Caminetti moved that the remaining special orders be continued, as such, in the order at present existing, until seven o'clock and thirty minutes this evening.

So ordered.

Mr. White moved to take up, out of order, Senate Constitutional Amendment No. 7.

So ordered.

Senate Constitutional Amendment No. 7 read, and, on motion of Mr. Roth, was amended, by adding, at the end of line sixteen, the words, "Tulare, Monterey."

Whereupon, Mr. White moved, and proposed that the Senate adopt, and propose the following resolution and constitutional amendment, to wit:

## CONSTITUTIONAL AMENDMENT.

To propose to the people of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department.

*Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section seventeen, of Article VI, of the Constitution of said State, be amended so as to read as follows:*

Section 17. The Justices of the Supreme Court, and Judges of the Superior Court, shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salary of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. The annual salaries of the Justices of the Supreme Court shall be seven thousand five hundred dollars (\$7,500) each, and the Supreme Court Commissioners six thousand (6,000) dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the Counties of Alameda, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, San Diego, San Bernardino, Colusa, and Tehama, who shall receive five thousand dollars, and the Judges of the Counties of Tulare, Monterey, Sonoma, and San Joaquin shall receive four thousand dollars each.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceand, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Yell—31.

NOES—Messrs. Meany and Walrath—2.

### Assembly Constitutional Amendment No. 13.

The resolution was read, and, a vote being had thereon, the same was lost, not having received the requisite two-thirds vote of the entire Senate, the following being the vote thereon:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Conklin, Dixon, Dray, Hall, Haynes, Hinshaw, Langford, McCudden, Roth, Sargent, Steele, White, and Yell—18.

NOES—Messrs. Caminetti, Crandall, Gesford, Lenahan, Murphy, Spellacy, Vrooman, and Walrath—8.

Mr. Crandall gave notice of a motion to reconsider the vote whereby Assembly Constitutional Amendment No. 13 was refused a passage.

Assembly Constitutional Amendment No. 17 passed temporarily on file.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

Read third time.

### LEAVE OF ABSENCE.

Mr. Meany was granted leave of absence until the evening session.

### CALL OF THE SENATE.

Mr. Dray moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:



Messrs. Boggs, Bowers, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Yell.

Mr. Dray moved to dispense with further proceedings under the call.

So ordered.

Upon the passage of Senate Bill No. 426.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—23.

NOES—None.

Title read and approved.

#### RECESS.

At five o'clock and thirty minutes the Senate took a recess until seven o'clock and thirty minutes P. M.

#### REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Caminetti, Chandler, Conklin, Crimmins, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, and White.

Quorum present.

#### CALL OF THE SENATE.

Mr. Vrooman moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White.

On motion of Mr. Vrooman, further proceedings under the call were dispensed with.

Mr. Vrooman called up the following resolution:

*Resolved by the Senate, the Assembly concurring, That this Legislature do adjourn sine die on Saturday, March fifth, eighteen hundred and eighty-seven, at twelve o'clock midnight.*

Said resolution having been set as the special order for four o'clock this day.

Mr. Vrooman moved to amend by inserting Wednesday, at twelve o'clock midnight.

Mr. Goucher moved that the further consideration of the resolution and amendment be deferred until eleven o'clock to-night.

Lost.

Mr. Meany moved to amend, so as to provide for an adjournment sine die on Thursday, at twelve o'clock midnight.

Lost.

Mr. Vrooman's motion was then put and carried.

#### REPORT OF SPECIAL COMMITTEE.

By Mr. Haynes:

SENATE CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: Your special committee, to whom was referred Assembly Bill No. 80—Entitled an Act to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be numbered and known as section six hundred and four, providing for the formation of certain religious corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAYNES,  
GESFORD,  
Special Committee.

#### REPORTS OF STANDING COMMITTEES.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 503, have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

GESFORD, Chairman.

##### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March —, 1887.

MR. PRESIDENT: Your Committee on Commerce and Navigation have the honor to report, after critical examination of Assembly Bill No. 1, and hearing ample counsel and evidence, that they recommend it back, as amended, and that it do pass, as amended.

Amendments: section one, line nine, subdivision two, of printed bill, to read "30" instead of "10."

Section three, strike out line eight, after "October," and lines ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen of printed bill.

Section seven, in lines six and seven, "five dollars."

Section eight, line four of printed bill, amend to read "five dollars."

Section eight, lines five and six of printed bill, amend to read "five dollars per foot draught."

Section eight, line six, amend it to read "four cents."

SULLIVAN, Chairman.

##### PETITION.

By Mr. Dray: From members of the Board of Trade of the City of Sacramento, urging the passage of Brooks' pilotage bill.

Objections being made to the reading of the petition, Mr. Dray raised the point of order, that the petition had been partly read, and should be read through.

The Chair sustained the point of order.

Mr. Goucher appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Goucher, Meany, and Dray, and the Chair was sustained by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCudden, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—25.

NOES—Messrs. Caminetti, Crimmins, Goucher, McCarthy, McDonald, Meany, Pinder, Roth, and Sullivan—9.

Mr. Moffitt moved that the special order, Senate Constitutional Amendment No. 2, be temporarily passed.

So ordered.

Senate Bill No. 375—An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature, in relation thereto.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—32.

NOES—None.

Title read and approved.

Assembly Bill No. 80 read second time, and ordered to a third reading.

Mr. Wilson moved to reconsider the vote whereby Senate Bill No. 404 was passed on file, and that said bill be made the special order for to-morrow, at one o'clock and thirty minutes P. M.

So ordered.

Assembly Constitutional Amendment No. 17—Proposing amendments to sections fifteen and nineteen, Article IV, of the Constitution.

The roll was called, and the proposed amendment was lost by the following vote, the same not having received the required two-thirds vote of the whole Senate:

AYES—Messrs. Bowers, Caminetti, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, Spellacy, and White—16.

NOES—Messrs. Abbott, Boggs, Chandler, Dray, Hall, McCarthy, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Steele, Vrooman, Walrath, and Wilson—16.

Assembly Bill No. 197 passed temporarily on the file.

Assembly Bill No. 263 read first time.

Mr. Gesford moved to take up, out of order, and have read, Assembly Bill No. 39.

Lost.

Assembly Bill No. 347—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of Board of Directors of the State Insane Asylum at Stockton.

Read first time.

Whereupon, Mr. White offered the following resolution:

*Resolved*, That Assembly Bill No. 347—Entitled "An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the State Insane Asylum at Stockton," presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section, requiring that said bill shall be read on three several days, is hereby dispensed with, and it is ordered that said bill shall be this day read the first, second, and third times, and put upon its passage.

Upon the adoption of the resolution, the roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Walrath, and White—30.

NOES—None.

Whereupon, the bill was read a second time, and ordered to a third reading.

Whereupon, the bill was read a third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lennahan, McCarthy, McCudden, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, and White—31.

NOES—Mr. Meany—1.

Title read and approved.

Mr. Gesford moved to have transposed Assembly Bill No. 39 for 197.

So ordered.

Assembly Bill No. 39 read first time.

Assembly Bill No. 521.

Mr. Goucher offered the following resolution:

*Resolved*, That Assembly Bill No. 521 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that bills shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Caminetti, Crandall, Crimmins, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lennahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—28.

NOES—Messrs. Chandler, Dixon, Dray, Roth, and Steele—5.

Whereupon, the bill was read the first and second times, and ordered to third reading.

Whereupon, the bill was read a third time.

Mr. White moved to vacate the order of third reading, in order to afford an opportunity for offering an amendment.

So ordered.

Mr. White moved to amend, in line thirty-two, page two, printed bill, after the word "purposes," insert the word "only."

Adopted.

Also, on page three, printed bill, line forty-two, strike out the word "they," and insert the words "the amount fixed as such damages."

Adopted.

Also, on line forty, printed bill, same page, after the word "judgment," insert "together with reasonable attorney's fees."

Adopted.

So amended, the bill was ordered printed, and made the special order for to-morrow, after reading of Journal.

Mr. White moved to take up Assembly messages.

So ordered.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Assembly Bill No. 294. An Act to provide for the payment and expenses incurred in fitting up and furnishing the chambers of the Supreme Court Commissioners.



Assembly Bill No. 234—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, and lights, for the Legislature and State officers, for the thirty-fourth fiscal year.

Also, passed Senate Bill No. 10—An Act to amend section six hundred and ninety of an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, by adding a new article, exempting fishing boats and nets from execution.

Also, Assembly Bill No. 260—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-seventh fiscal year.

Also, amended, and passed as amended, Senate Bill No. 190—An Act appropriating the sum of ten thousand dollars to erect a building for the purpose of furnishing dormitories and dining-rooms for the male adult blind inmates at the "Home for the Adult Blind."

Also, amended, and passed as amended, Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand and five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also, considered Assembly Bill No. 459—An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years—and concurred in Senate amendments thereto, as follows, viz :

Amendments Nos. 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 13½, 14, 14½, 15, 16, 17, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 45, 46, 47, and 50; and respectively refused to concur in Senate amendments thereto, as follows, viz :

Amendments Nos. 4, 7, 18, 22, 25, 39, 41, 43, 44½, 48, and 49.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Mr. Goucher in the chair.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 261, 234, and 260 severally placed on file.

Senate Bill No. 10 to enrollment.

Senate Bill No. 190.

Assembly amendment by Mr. Brierly: amend, by striking out of section two, line one, the word "brick."

Concurred in by the Senate.

Also, by striking out of section three, line two, the words "one brick."

Concurred in by the Senate, and bill sent to enrollment.

Senate Bill No. 191 made special order for eleven o'clock A. M. to-morrow.

Assembly Bill No. 459 made special order for eleven o'clock and thirty minutes this P. M.

#### REPORT OF STANDING COMMITTEE.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 145—Entitled an Act to amend sections five, six, eight, nine, eleven, seventeen, eighteen, twenty-three, and twenty-six of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880.

Senate Bill No. 232—An Act to provide one additional Judge of the Superior Court of the County of Fresno, State of California.

Senate Bill No. 60—An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.

Assembly Bill No. 19 read second time, and ordered to third reading.

Assembly Bill No. 136—An Act to repeal an Act entitled "An Act to amend an Act to incorporate the City of Santa Barbara," approved March 30, 1878.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—32.

NOES—None.

Title read and approved.

Assembly Bill No. 199—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending section one thousand and forty-six thereof, relating to forming juries in criminal cases.

Read third time.

Mr. Crandall moved to recommit Assembly Bill No. 199 to a committee of one, consisting of Mr. White, with special instructions to amend by striking out sections two and three.

The question being on Mr. Crandall's motion.

The ayes and noes were demanded by Messrs. Crandall, White, and Moffitt, and Mr. Crandall's motion prevailed by the following vote:

AYES—Messrs. Bowers, Briceland, Chandler, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCudden, Meany, Pinder, Steele, Walrath, White, and Wilson—20.

NOES—Messrs. Abbott, Boggs, Byrnes, Langford, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, and Sullivan—13.

Assembly Bill No. 37—An Act to amend section one hundred and sixty of an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell—29.

NOES—None.

Title read and approved.

#### REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March —, 1887.

MR. PRESIDENT: Your committee to whom Assembly Bill No. 199 was committed, with special instructions to amend said bill, begs leave to report that said bill has been amended in accordance with such instructions, to wit: by striking out sections two and three thereof.

STEPHEN M. WHITE.

Report adopted.

Assembly Bill No. 199 ordered printed, as amended, and to third reading.

Assembly Bill No. 79—An Act to appropriate money to pay the claim of William Gutenberger, for mechanics' tools and property destroyed at the Branch State Prison at Folsom.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—30.

NOES—None.

Title read and approved.

## GENERAL FILE—SECOND READING.

Assembly Bill No. 208—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, and ordered to a third reading.

Assembly Bill No. 35—An Act for the better protection of settlers on the public lands of the United States within the State of California, and for the protection and encouragement of persons desirous of settling thereon.

Read second time, and committee amendments, as follows, considered:

Strike out all after the word "who," on line one, page one, down to and including the word "to," on line eight, page one.

Adopted.

Insert, after word "who," on line one, page one, the words "shall unlawfully."

Adopted.

Insert, after the word "who," in line two, page two, the words "shall immediately."

Adopted.

Strike out the letter "s" from the words "hinders, prevents," and "obstructs," on line three, page two.

Adopted.

So amended, Assembly Bill No. 35 was ordered to a third reading.

Assembly Bill No. 118 read second time.

Amendment to section one, by Mr. White, as follows: Strike out of section one, lines four and five, printed bill, the words "in front of the County Court House, or in, or in front of the Tax Collector's office," and insert, instead, the following: "in or in front of the Court House or the Tax Collector's office, as the Board of Supervisors may by resolution direct."

Adopted.

Assembly Bill No. 118 ordered to third reading.

Assembly Bill No. 107—An Act providing for the payment to D. Jordan, for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Read second time, and ordered to a third reading.

Assembly Bill No. 59—An Act to pay the claim of Edward J. Smith.

Assembly Bill No. 58—An Act to pay the claim of Jessie A. Galland.

Assembly Bill No. 57—An Act to pay the claim of J. F. Gawthorne.

Severally read second time, and ordered to a third reading.

Assembly Bill No. 41—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled an Act to establish a Political Code," approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways, approved February 28, 1883, by adding a new section thereto, to be numbered section two thousand six hundred and forty-six.

Mr. Chandler moved to amend, by striking out the word "shall," and inserting the words "may in their discretion" in the same line and same section.

Adopted.

Mr. Abbott moved to pass the bill on file until to-morrow.

Lost.

Mr. Yell moved to amend, by striking out all after the word "section," in line fourteen, down to the word "accordingly," in line fifteen.

Adopted.

Ordered to a third reading.

Assembly Bill No. 129 read second time, and ordered to a third reading.

Assembly Bill No. 81.

Mr. Steele offered the following resolution:

*Resolved*, That Assembly Bill No. 81—Entitled an Act in relation to the compensation of the Mayor and members of the Common Council of cities containing a population of not exceeding ten thousand—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section, requiring that said bill shall be read on three several days, is hereby dispensed with, and it is ordered that said bill be this day read the second and third times, the same having been read the first time, and placed upon its passage.

Adopted.

Mr. Steele moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Lendhan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell.

Mr. White moved to suspend further proceedings under the call of the Senate.

So ordered.

Mr. Steele's resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Lendhan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—29.

NOES—Mr. Caminetti—1.

Assembly Bill No. 81 read second and third times, and passed on file.

Mr. White offered the following resolution:

*Resolved*, That Assembly Bill No. 54—Entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

Mr. White's resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gosford, Goucher, Hall, Haynes, Hinshaw, Lendhan, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—31.

NOES—None.

Assembly Bill No. 54 read first, second, and third times, and passed by the following vote:



AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Walrath, White, and Yell—28.  
 NOES—None.

Title read and approved.

Mr. Walrath moved to take up Assembly messages.

So ordered.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 8, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Joint Resolution No. 10—Relative to mining debris.

FRANK D. RYAN, Chief Clerk.  
 ED. J. SMITH, Assistant Clerk.

Mr. White moved to make Assembly Constitutional Amendment No. 2 a special order for to-morrow, at one o'clock and thirty minutes P. M.

So ordered.

Mr. Caminetti moved to take up the resolution named in the Assembly message.

So ordered.

Assembly Joint Resolution No. 10—Relating to mining debris.

Upon the adoption of the resolution, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Walrath, White, and Yell—27.  
 NOES—None.

Mr. Yell moved to suspend section fifteen, Article IV, of the Constitution, and that Senate Bill No. 336 presents a case of urgency, as that term is used in section fifteen, Article IV, of the Constitution, and that the provisions of said section requiring that bills be read on three several days, is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Mr. Yell's motion was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—28.  
 NOES—Mr. Caminetti—1.

Whereupon, the bill was read the first and second times, and ordered to a third reading.

Whereupon, the bill was read a third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Chandler, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—27.  
 NOES—Messrs. Abbott, Caminetti, and Meany—3.

#### APPROPRIATION BILL.

The hour for the consideration of the special order, to wit:

Assembly Bill No. 459—"An Act making appropriations for the

support of the government of the State of California, for the thirty-ninth and fortieth fiscal years—having arrived, the question was whether the Senate shall recede from the amendments not concurred in by the Assembly, to wit:

Senate amendments Nos. 4, 7, 18, 22, 25, 39, 41, 43, 44, 48, and 49.

Whereupon, Mr. Abbott offered the following resolution:

*Resolved*, That the Senate does not recede from any of the amendments made to Assembly Bill No. 459, and that a conference committee, consisting of Senators Moffitt, White, and Vrooman, is hereby appointed to meet a like committee from the Assembly at ten o'clock A. M., March ninth, and that this resolution be reported immediately to the Assembly, with the request that that body appoint a similar committee.

Adopted.

By Mr. Gesford:

*Resolved*, That Willie B. Ayer, for assistance rendered the members of this Senate in the correct keeping of the files, be and is hereby allowed for the term of the twenty-seventh Legislature, commencing January third, eighteen hundred and eighty-seven, the same pay as Pages of this Legislature, payable out of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Referred to Committee on Contingent Expenses, Attachés, and Mileage.

Assembly Bill No. 13—An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. eighteen hundred and eighty, entitled an Act to define, regulate, and govern State Prisons of California.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Caminetti, Chandler, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Jones, Lenahan, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—26.

NOES—Mr. McCarthy—1.

Title read and approved.

Mr. Jones moved to allow the Secretary to make up the file, just as if Mr. Meany's resolution had not been adopted.

So ordered.

Mr. Haynes moved that Senate Bill No. 132 be taken up, read third time, and placed on its final passage.

So ordered.

Senate Bill No. 132 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Caminetti, Chandler, Crandall, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, and Yell—23.

NOES—None.

Title read and approved.

Mr. Boggs moved to take up Assembly messages.

So ordered.

#### ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Assembly Bill No. 257—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-sixth fiscal year.

Senate Bill No. 113—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Assembly Bill No. 387—An Act to amend section two thousand three hundred and eighty-five, of Article CXI, of the Civil Code, approved March 30, 1874, relating to obligations of ship owner to owner of cargo.

Assembly Bill No. 384—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, and three thousand four hundred and fifty-four of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation, in reclamation districts of this State.

Assembly Bill No. 442—An Act to amend section three thousand eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes.

Assembly Bill No. 480—An Act to amend an Act entitled an Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor, approved February 25, 1885.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 257, 387, 348, 442, and 480, severally ordered placed on file.

Senate Bill No. 13, ordered to enrollment.

Mr. White moved that Assembly Bill No. 257 be placed on the Special File.

So ordered.

Mr. Boggs moved to take up and read Assembly Bill No. 348 the first time.

So ordered.

Assembly Bill No. 348 read first time, and ordered to a second reading.

Mr. White moved to excuse the Pages for the rest of the evening.

So ordered.

#### REPORT OF STANDING COMMITTEE.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 273—Entitled an Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section one thousand two hundred and ninety, relating to proceedings in cases of trust.

Also, Assembly Bill No. 274—Entitled an Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons, approved February 18, 1881.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WHITE, Acting Chairman.

Mr. Jones moved to make a special order of Senate Bills Nos. 281 and 259 for to-morrow, following the former special order for to-morrow.

#### ADJOURNMENT.

Pending consideration of the motion by Mr. Jones, on motion of Mr. Meany, the Senate adjourned at twelve o'clock M.

## IN SENATE.

SENATE CHAMBER,

Wednesday, March 9, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenthien, McCarthy, McGolden, McDonald, Murphy, Patterson, Phader, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Quorum present.

Journal of Monday last ordered approved.

Reading and approval of Journal of yesterday set for one o'clock and thirty minutes this afternoon.

Consideration of the Governor's veto message of Senate Bill No. 270 postponed to one hour hence.

Mr. White moved to take up, out of order, Assembly Bill No. 287.

So ordered.

Assembly Bill No. 287 read second time, and ordered to third reading.

## REPORT OF STANDING COMMITTEE.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

No. 237, and Senate Constitutional Amendment No. 7.

SPELLACY, Chairman.

Assembly Bill No. 287 read second time, and amended as follows:

Mr. Crandall moved to amend, by adding, in section twenty-five, line two, after the word "irrigation," the following: "Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor under the laws of this State authorizing the taking of private property for public uses."

Adopted.

So amended, the bill was ordered to third reading.

Mr. Steele moved to take up, out of order, Assembly Bill No. 81.

So ordered.

Mr. Byrnes moved, as an amendment, that Senate Bill No. 418 and Senate Bill No. 419 be also taken up.

So ordered.

Assembly Bill No. 81—An Act in relation to the compensation of the Mayor and members of the Common Council of cities containing a population not exceeding ten thousand.

Read third time, and the bill was refused passage by the following vote:



AYES—Messrs. Conklin, Crandall, Dixon, Goucher, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Spellacy, Vrooman, and White—16.  
 NOES—Messrs. Bowers, Briceland, Byrnes, Chandler, Crimmins, Dray, Hall, Haynes, Hinshaw, Jones, Sargent, Steele, and Walrath—13.

#### NOTICE OF RECONSIDERATION.

Mr. Steele gave notice that, on to-morrow, he would move to reconsider the vote whereby Assembly Bill No. 81 was refused passage.

Mr. Moffitt moved to recommit Senate Bill No. 404 to the Committee on City, City and County, and Town Governments.

So ordered.

Senate Bill No. 408—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, and White—28.

NOES—None.

Title read and approved.

Senate Bill No. 419—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of San Mateo County, for delivering certain insane persons at the Asylum for the Insane at Stockton, for the twenty-fourth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, and White—29.

NOES—None.

Title read and approved.

#### MOTIONS.

Mr. Murphy moved to take up and consider Senate Concurrent Resolution No. 7—Relative to Charles M. Blake, late Chaplain of the United States Army.

It was so ordered, and the resolution read and adopted.

Mr. Moffitt moved that the Senate refuse to concur in the Assembly amendments to Senate Bill No. 191.

So ordered.

Assembly Bill No. 175—An Act to amend section three thousand five hundred and two of the Political Code, relating to school land warrants.

Read third time, and the bill refused passage by the following vote:

AYES—Messrs. Abbott, Briceland, Conklin, Crandall, Crimmins, Dixon, Goucher, Hall, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Roth, Sargent, Spellacy, and Steele—18.

NOES—Messrs. Chandler, Gesford, Haynes, Hinshaw, Jones, Vrooman, Walrath, White, and Wilson—9.

Assembly Bill No. 80—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new

section thereto, to be numbered and known as section six hundred and three, providing for the formation of certain religious corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Assembly Bill No. 164—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relative to cheats.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—28.

NOES—None.

Title read and approved.

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County.

Read third time.

Mr. Sargent moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell.

Mr. Sargent moved to dispense with further proceedings under the call of the Senate.

So ordered.

Upon the passage of Senate Bill No. 19, the roll was called, and the bill passed by the following vote:

AYES—MESSRS. Abbott, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—31.

NOES—None.

Title read and approved.

#### SPECIAL FILE—ASSEMBLY BILLS—SECOND READING.

Assembly Bill No. 39—An Act to repeal section two thousand six hundred and twenty and subdivision five of section two thousand six

hundred and forty-three, and to amend sections two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and fifty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-five, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety, two thousand six hundred and ninety-one, and two thousand six hundred and ninety-two of an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code, approved March 12, 1872,' and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Read second time, and amendments on second reading, presented by Mr. Gesford, as follows:

Amend section one, by inserting, in lieu of matter included between lines one and eight, the following:

SECTION 1. Section two thousand six hundred and eighty-two of an Act to establish a Political Code, approved March 12, 1872, is hereby amended so as to read as follows.

Adopted.

Also, amend, by inserting, after word "chapter," line thirteen, section two, the following: "The Board of Supervisors in making the order appointing Viewers may, in their discretion, direct said Viewers to first view the proposed road, and if, in the opinion of the Viewers, the road is impracticable, the said Viewers shall discontinue further proceedings in the matter, and report accordingly."

Adopted.

Assembly Bill No. 39, so amended, was ordered to a third reading.

Assembly Bill No. 263 read second time.

Mr. Vrooman moved that Assembly Bill No. 263 be declared a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, that the provisions of said section requiring the bill to be read on three several days be dispensed with, and that said Assembly Bill No. 263 be now read a third time, and put upon its passage, such bill having been already read twice.

The motion was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—33.

NOES—Mr. Sargent—1.

Assembly Bill No. 63 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—35.

NOES—None.

Title read and approved.

## SPECIAL FILE—FIRST READING.

Assembly Bill No. 560 read first time.

Mr. White offered the following resolution:

*Resolved*, That Assembly Bill No. 560—Entitled an Act to appropriate money to meet a deficiency in the appropriation for the State's portion of the salaries of the Superior Judges for the thirty-eighth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—32.

NOES—None.

Assembly Bill No. 560 read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, White, Wilson, and Yell—28.

NOES—None.

Title read and approved.

Assembly Bill No. 503 read the first time.

Mr. Gesford offered the following resolution:

*Resolved*, That Assembly Bill No. 503 presents a case of urgency, as contemplated by section fifteen, of Article IV, Constitution of California, and that the provisions of said section, requiring bills to be read on three several days, be dispensed with, and that said bill be read this day for the second and third times, and put upon its final passage, said bill having been read the first time.

The resolution was adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—30.

NOES—None.

Assembly Bill No. 503 read the second time, and amended as follows, by the committee: in line six, engrossed bill, change "twenty" to "fifteen."

Adopted.

Also, amend section five, beginning on line seven, from bottom of page, strike out all after the word "Code" to the word "provide," in same section.

Adopted.

On last page of engrossed bill, strike out, after "demand," in line three, at top of the page, "for the payment of such clerical help shall first be approved by said Superintendent of Public Instruction and," and insert, "on the State School Book Fund."

Adopted.



Mr. Gesford moved to extend the hour of recess until the matter of Assembly Bill No. 503 had been disposed of.

So ordered.

Mr. Gesford moved to suspend the third reading of Assembly Bill No. 503, in order to have it printed as amended.

So ordered.

Mr. Caminetti offered the following:

*Resolved*, That so much of section fifteen, of Article IV, of the Constitution, as requires a bill to be read upon three several days in each House, be suspended, and that Senate Bill No. 395 be declared a case of urgency, be read the second and third times, and placed upon its final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Steele, Sullivan, Walrath, White, Wilson, and Yell—27.  
 NOES—Messrs. Chandler, Hinshaw, and Langford—3.

#### REASSEMBLED.

At one o'clock and forty-five minutes P. M. the Senate reassembled.  
 President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Gesford, Hall, Haynes, Langford, McCarthy, McCudden, Meany, Moffitt, Murphy, Roth, Sargent, Steele, Vrooman, Walrath, and White.

Quorum present.

Mr. Haynes gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 175 was refused passage.

Mr. Walrath moved to take up Assembly Bill No. 124, and offered the following resolution:

*Resolved*, That so much of section fifteen, of Article IV, of the Constitution, as requires a bill to be read upon three several days in each House, be suspended, and that Assembly Bill No. 124 be declared a case of urgency, and be read the second and third times, and placed upon its final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—29.  
 NOES—None.

Assembly Bill No. 124—An Act to amend section six hundred and twenty-six of the Penal Code, relative to fish and game.

Read second time, and amended as follows, by the committee: Amend section one, line six, printed bill, by inserting, after the word "rail," the following: "mallard and wood ducks."

Stricken out.

Mr. Sargent moved to amend as follows: Amend, by numbering section two, on page four of printed bill, and make it section four.

Adopted.

So amended, the bill was ordered printed, and to a third reading. Mr. Crandall moved to take up Assembly Bill No. 227 out of order. Lost.

Mr. Boggs desired his name to be recorded "aye" on the motion of the suspending of the constitutional provision of section fifteen, Article IV, of Senate Bill No. 395.

Mr. Vrooman moved that Mr. Boggs' vote be so recorded.

So ordered.

Mr. Wilson in the chair.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of Miss May Cornelius, Clerk of the Senate Committee on Labor and Capital, for eight days' pay, from the twelfth to the twentieth of January, and in favor of Mrs. K. Arnold, Clerk of the Senate Committee on Forestry, Yosemite Valley, and Mariposa Grove of Big Trees, for nine days' pay, from the twelfth to the twenty-first day of January, inclusive, at the regular per diem allowed by law, payable out of the Contingent Fund of the Senate, except in case such per diem has heretofore been paid, and the Treasurer is hereby directed to pay the same.

Recommend that it do not pass, for the reason that no notification of appointment was filed with the Secretary until the twentieth of January.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Roth, Spellacy, Steele, Vrooman, White, and Wilson—29.

NOES—Messrs. Langford, Sargent, and Sullivan—3.

Also, the following resolution:

*Resolved*, That the following named Porters of the Senate and committee rooms be and they are hereby allowed the sum of two dollars each per night, for the two weeks last past, for services rendered by them at the night sessions of the Senate during such period of time, and the Controller is hereby authorized and directed to draw his warrant in favor of each of the following named Porters, for such sum, and the Treasurer is hereby directed to pay the same, viz.: Richard Schofield, Charles Melhado, Hank Jones, Albert Grubbs, Isaiah Dunlap, George Locke, Charles Robinson, William Lind, Joseph Van Pragg, William Craig, Granville Hudleston, H. J. Wynne.

Recommend that it do not pass.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, Meany, Moffitt, Murphy, Roth, Sargent, Steele, Vrooman, White, and Wilson—28.

NOES—Messrs. Dray, Lenahan, McDonald, Spellacy, and Sullivan—5.

Also, the following:

*Resolved*, That Willie B. Ayer, for assistance rendered the members of this Senate in the correct keeping of the files, be and is hereby allowed for the term of the twenty-seventh Legislature, commencing January third, eighteen hundred and eighty-seven, the same pay as Pages of this Legislature, payable out of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrant for said amount, and the Treasurer is directed to pay the same.

To which the committee offered the following substitute:

*Resolved*, That Willie B. Ayer, for assistance rendered the members of this Senate in the correct keeping of the files, be and is hereby allowed the sum of forty dollars, payable out

of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrant for the said amount, and the Treasurer is directed to pay the same.

Recommend that the substitute do pass.

MURPHY, Chairman.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Wilson—31.

NOES—Mr. Vrooman—1.

SENATE CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Willie B. Ayer, for services rendered the Senate and File Clerk of the Senate, be and is hereby allowed the per diem of four dollars, to be paid out of the Contingent Fund of the Senate, from January third, and the Controller is hereby directed to draw his warrant for said sum.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MURPHY, Chairman.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, and Wilson—32.

NOES—Messrs. Sullivan and Vrooman—2.

SENATE CHAMBER, SACRAMENTO, March —, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

*Resolved*, That Howard Cahill, the Mail Carrier of the Senate, be and he hereby is requested and directed to remain at the Capitol for the period of seven days from and after the date of final adjournment of the twenty-seventh session of the Legislature, to bring to the Capitol all mail for the Senators, coming to Sacramento after such date, and for such service he is hereby allowed the same per diem which he is now receiving, and the Controller is hereby authorized and directed to draw his warrant in favor of said Howard Cahill for said seven days, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommended by a majority of the committee that it do not pass; minority recommend that it do pass.

MURPHY, Chairman.

The roll was called, and the resolution reported by a minority of the committee was rejected by the following vote:

AYES—Messrs. Clunie, Dray, Gesford, Goucher, Haynes, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Sullivan, and White—15.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Dixon, Hall, Hinshaw, Jones, Langford, McCudden, Steele, Vrooman, and Wilson—16.

The question recurring upon the majority report of the committee.

The roll was called, and the majority report adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Dixon, Gesford, Goucher, Hall, Hinshaw, Jones, Langford, McCudden, Murphy, Roth, Sargent, Steele, Vrooman, White, and Wilson—23.

NOES—Messrs. Dray, Haynes, Lenahan, McCarthy, McDonald, Moffitt, Spellacy, and Sullivan—8.

SENATE CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

*Resolved*, That Martin Steinmetz be and is hereby allowed the sum of two dollars per day during the session of the Legislature for lighting and caring for the gaslights of the Senate Chamber, and the Controller is hereby authorized to draw his warrant on the Contingent Fund of the Senate in payment of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that he be paid since the commencement of the evening sessions, that is, February eighteenth, and until the close of this session.

MURPHY, Chairman.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, and Wilson—30.

NOES—None.

SENATE CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following bills: C. H. Rave, repairing lock for the Senate, seven dollars and twenty-five cents, reduced to five dollars; Union Ice Company, four thousand five hundred pounds of ice for use of Senate, sixty-seven dollars and fifty cents; Richard Schofield, washing for use of the Senate, sixteen dollars and seventy-five cents—have had the same under consideration, and respectfully report the same back, and recommend that they be paid.

And the Controller be and he is hereby directed to draw his warrant in favor of John W. Wilcox, Sergeant-at-Arms, for said amounts, payable out of the Contingent Fund of the Senate.

MURPHY, Chairman.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Steele, Walrath, White, and Wilson—30.

NOES—None.

Mr. Goucher moved to take up Assembly Bill No. 521.

So ordered.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clinie, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

Further proceedings under the call dispensed with.

Assembly Bill No. 521—An Act relating to the dissolution and modification of injunctions, and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Clinie, Conklin, Crandall, Crimmins, Goucher, Hall, Haynes, Jones, McCudden, Meany, Moffitt, Steele, Vrooman, Walrath, White, and Wilson—21.

NOES—Messrs. Chandler, Dixon, Dray, Gesford, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, and Sullivan—15.



Title read and approved.

Mr. Moffitt moved to consider the report of the Conference Committee on Assembly Bill No. 459.  
So ordered.

#### REPORT OF THE CONFERENCE COMMITTEE.

MR. PRESIDENT: The Committee of Conference, heretofore chosen to consider the disagreement between the Senate and Assembly concerning the amendments proposed by the Senate to Assembly Bill No. 459—"An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years"—respectfully report that said committee unanimously recommend the following action by each House, respectively, to wit:

That the Assembly concur in Senate Amendment No. 4.  
That the Assembly concur in Senate Amendment No. 7.  
That the Assembly concur in Senate Amendment No. 18.  
That the Assembly concur in Senate Amendment No. 22.  
That the Assembly concur in Senate Amendment No. 25.  
That the Senate recede from Senate Amendment No. 39.  
That the Senate recede from Senate Amendment No. 41.  
That the Senate recede from Senate Amendment No. 43.  
That the Senate recede from Senate Amendment No. 44.  
That the Senate recede from Senate Amendment No. 45.  
That the Assembly concur in Senate Amendment No. 49.

Respectfully,

FRANK J. MOFFITT, Chairman,  
HENRY VROOMAN,  
STEPHEN M. WHITE,  
Committee.

Adopted.

Mr. Bowers asked leave to introduce a bill.

Senate Bill No. 451—An Act allowing the Board of Directors of the Industrial Home of the Adult Blind to use the moneys received from the sale of manufactured goods and wares, for the purchase of raw material and the expenses attending its manufacture.

Mr. Bowers moved that Senate Bill No. 451 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and that the provisions of said section requiring the bill to be read on three several days be dispensed with, and that said bill be this day read a first and second time, and ordered printed and made a special order.

The roll was called, and the motion of Mr. Bowers prevailed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gestford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Steele, Vrooman, White, and Wilson—27.

NOES—Mr. Crandall—1.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Assembly Bill No. 550—An Act to add a new section to the Political Code, to be numbered section three thousand two hundred and thirty-five, relating to the furnishing of supplies under contract to all public institutions under the control of the State, or of any county, city and county, city, or town thereof.

Senate Bill No. 127—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations.

Also, passed Senate Bill No. 443—An Act to amend section eight of an Act entitled "An

Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876, relating to the Resident and Assistant Physicians.

FRANK D. RYAN, Chief Clerk.  
F. J. BRANDON, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 163—An Act to add a new section to the Code of Civil Procedure, to be numbered four hundred and sixty-six, relating to the pleadings, evidence, and costs in actions upon policies of fire insurance, in certain cases.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 67—An Act to amend section three thousand two hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, and to add five new sections to said Political Code, to be numbered sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, and three thousand two hundred and fifty, regulating the hours of labor.

F. D. RYAN, Chief Clerk.  
By F. J. BRANDON, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 430—An Act to provide for the completion of all unfinished county buildings in the several counties, cities and counties, cities, and towns throughout the State of California.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bills Nos. 127, 443, 67, and 430, severally ordered to enrollment.

Assembly Bill No. 550, on file.

Assembly Bill No. 163, to Committee on Commerce and Navigation.

#### COMMITTEE OF CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed a Committee of Conference, to meet a like committee from the Senate, heretofore appointed, for the purpose of considering the disagreements existing between the Senate and Assembly, upon Senate amendments to Assembly Bill No. 430—An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years. The committee appointed on behalf of the Assembly being Messrs. Taylor, Campbell, and Heath.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, respectfully returns Assembly Bill No. 22—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments"—for the following reasons, viz: The message transmitting said bill to the Assembly announces the fact of the passage thereof, without amendments, while the bill itself has Senate amendments attached to it, which appear to have been adopted by the Senate.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, considered Assembly Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235,

388, 237, 345, 56, and 506—An Act to amend sections seventeen, twenty-five, one hundred and sixty-four, one hundred and sixty-six, one hundred and sixty-seven, one hundred and seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-three, one hundred and ninety-eight, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, relating to the government of counties—and concurred in Senate amendments thereto, as follows, viz.: Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 105, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 26½, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48—and respectfully refused to concur in Senate amendments thereto, as follows, viz.: Amendments Nos. 19 and 30.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Mr. Caminetti moved that the Senate refuse to recede from the amendments, Nos. 19 and 30, in Substitute for Assembly Bill No. 323 and others.

Mr. Jones moved a call of the Senate.

So ordered.

MESSRS. ABBOTT, BOGGS, BRICELAND, BYRNES, CAMINETTI, CHANDLER, CLUNIE, CONKLIN, CRANDALL, CRIMMINS, DIXON, DRAY, GESFORD, GOUCHER, HALL, HAYNES, HINSHAW, JONES, LANGFORD, MCCARTHY, MCCUDDEN, McDONALD, MEANY, MOFFITT, MURPHY, PINDER, ROTH, SARGENT, SPELLACY, STEELE, SULLIVAN, VROOMAN, WALRATH, WHITE, WILSON, and YELL.

Mr. McDonald moved that further proceedings under the call be dispensed with.

So ordered.

The question being, "Shall the Senate recede from its Amendment No. 19, to Substitute for Assembly Bill No. 323 and others?"

The ayes and noes were demanded by Messrs. Conklin, Abbott, and Langford, and Mr. Caminetti's motion prevailed by the following vote:

AYES—MESSRS. ABBOTT, BOWERS, BRICELAND, CHANDLER, CONKLIN, CRANDALL, DIXON, DRAY, GESFORD, HALL, HAYNES, HINSHAW, MCCUDDEN, STEELE, VROOMAN, and WHITE—16.

NOES—MESSRS. BOGGS, BYRNES, CAMINETTI, CLUNIE, CRIMMINS, GOUCHER, JONES, LANGFORD, LENAHAN, MCCARTHY, McDONALD, MEANY, MOFFITT, MURPHY, PINDER, ROTH, SARGENT, SPELLACY, SULLIVAN, WALRATH, and WILSON—21.

Also, "Shall the Senate recede from its Amendment No. 30 to Substitute for Assembly Bill No. 323 and others?"

The ayes and noes were demanded by Messrs. Bowers, Briceland, and Caminetti, and Mr. Caminetti's motion prevailed by the following vote:

AYES—MESSRS. ABBOTT, BOWERS, BRICELAND, CHANDLER, CRANDALL, GESFORD, HALL, HAYNES, ROTH, SARGENT, SPELLACY, STEELE, and VROOMAN—13.

NOES—MESSRS. BOGGS, BYRNES, CAMINETTI, CONKLIN, CRIMMINS, DIXON, DRAY, GOUCHER, HINSHAW, JONES, LANGFORD, LENAHAN, MCCARTHY, MEANY, MOFFITT, MURPHY, PINDER, SULLIVAN, WHITE, and WILSON—20.

Mr. Moffitt moved that a Committee of Conference be appointed, consisting of Messrs. Conklin, Briceland, and Langford, to meet a like committee from the Assembly, on Senate Bill No. 191.

RESOLUTION—(OUT OF ORDER).

By Mr. Murphy:

Resolved, That Senators Caminetti, Jones, and Wilson be appointed a Committee of Conference, to meet with a like committee from the Assembly on the disagreement in the matter of the so called "County Government Bill," viz.: Assembly Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506.

Adopted.

Mr. Goucher moved to take up and read Assembly message.  
So ordered.

#### ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, respectfully refused to recede from its amendments to Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California—and appointed Messrs. Sims, Wright, and Britt as a Committee of Conference, on behalf of the Assembly, to meet a like committee from your body to act upon said amendments.

Also, adopted the report of the Conference Committee of the Senate and Assembly upon the disagreements existing between both Houses upon Senate amendments to Assembly Bill No. 459—An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years—and in accordance therewith the Assembly concurred in Senate amendments thereto, as follows, viz.: Nos. 4, 7, 18, 22, 25, and 49.

Also, concurred in Senate amendment to Assembly Bill No. 164—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relative to personal property mortgage.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Mr. Boggs moved to take up and have read a second time Assembly Bill No. 348.

So ordered.

Assembly Bill No. 348 read a second time, and made special order for to-morrow, at eleven o'clock A. M.

Mr. Langford moved to take up, out of order, Assembly Bill No. 227.  
Lost.

Mr. Gesford moved to take up, out of order, Assembly Bill No. 1.

Mr. Caminetti raised a point of order, that Mr. Gesford's motion could not be entertained by the Chair, as there was a special order before the Senate set for that hour, giving as his reasons that there should be a motion to suspend the rules before a motion to take up a bill, out of order, and have the ayes and noes demanded thereon.

The Chair ruled that in this case the point of order was not well taken.

Mr. Gesford called for his motion.

The roll was demanded by Messrs. Gesford, Goucher, and Moffitt, and the motion was lost by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Chandler, Crandall, Dray, Gesford, Hall, Haynes, Hinshaw, Langford, McCudden, Steele, and White—14.

NOES—Messrs. Boggs, Byrnes, Caminetti, Clunie, Conklin, Crimmins, Dixon, Goucher, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, and Wilson—20.

Mr. Steele gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused to pass Assembly Bill No. 501.

Mr. White moved to take up and read Senate Constitutional Amendment No. 2.

So ordered.

Senate Constitutional Amendment No. 2 read.

Mr. Murphy moved to indefinitely postpone the consideration of Senate Constitutional Amendment No. 2.

Whereupon, the roll was demanded by Messrs. Moffitt, Murphy, and Bowers, and the Senate refused to pass it by the following vote:



AYES—Messrs. Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, and Wilson—25.  
 NOES—Messrs. Bowers, Briceland, Clunie, Hall, Haynes, and White—6.

Mr. Caminetti gave notice that, on to-morrow, he would move a reconsideration whereby the Senate refused to pass Senate Constitutional Amendment No. 2.

Mr. White explained his vote as follows: The proposed amendment can be amended by eliminating objectionable provisions, and to indefinitely postpone would be to render amendment impossible.

Mr. Clunie explained his vote: He thought that it—Senate Constitutional Amendment No. 2—ought to be so amended as to be put in shape to be put before the people, to have them vote upon it.

Mr. Abbott moved to take up Governor's veto message.

So ordered.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 SACRAMENTO, March 7, 1887. }

*To the Senate of the State of California:*

I herewith return without approval Senate Bill No. 270—Entitled "An Act to amend an Act entitled an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison, at San Quentin, approved March 9, 1885, and making an additional appropriation therefor."

My objections to this bill are as follows:

*First*—It materially changes the purpose and requirements of the Act of 1885. That Act appropriated forty thousand dollars as a Revolving Fund, to be used exclusively in payment for jute to be used in manufacturing at San Quentin, and required the return to the fund of the forty thousand dollars. This bill adds largely to the fund, and authorizes its use in payment of the cost of jute and *expenses of manufacturing the same*, without any limitations. It further provides that "after the payment of the expenses to the support fund or other source, when money is drawn therefrom to pay the expenses of manufacturing jute, and after applying the profits to the support of the prison, the *balance* shall be returned to said Revolving Fund." It thus appears that by this bill all other funds are to be kept fully satisfied, and to get the benefit of any profit in the manufacture of jute before the Revolving Fund is to receive what belongs to it, even though this balance were less than the original fund. This is in striking contrast with the Act of 1885, which gives this fund the preference and requires it to be kept intact.

*Second*—The amount appropriated is excessive and too indefinite. By the Act of 1885 the sum of forty thousand dollars was appropriated, which is still in the Revolving Fund or in jute purchased. This bill appropriates seventy thousand dollars, which would make the Revolving Fund one hundred and ten thousand dollars. But, in addition to this sum, the Prison Directors are authorized, for the same purpose, "to use so much money as may be necessary, from appropriations, for the use or support of the prison at San Quentin." I am advised that about two hundred and sixty thousand dollars will be and is usually appropriated for such use and support. It is thus seen that the Directors can employ, in addition to the one hundred and ten thousand dollars, an indefinite portion of this two hundred and sixty thousand dollars, for the purpose of paying the expenses of manufacturing jute goods. It is virtually placing over three hundred and seventy thousand dollars in the hands of the Directors to invest in purchasing jute and manufacturing jute goods and in protecting such investment. Again, from the clause above quoted, it seems that the Directors may even employ money from some "other source" besides these appropriations; that is, may borrow money, which money must be paid out of the proceeds of sales of the manufactured goods. This bill encourages investment beyond the requirements of the State Prison. It encourages speculation on behalf of the State and in an article (and its manufacture) of very fluctuating value. It endangers not only the special Revolving Fund, but also the fund provided for the current expenses of the prison, and it commits the State to the establishment of a factory for the profit that may be made out of it, when, in my opinion, such work should be done only when necessary, and as collateral to the governmental duties of the State.

The provisions of the bill that the money (transferred from the Prison Fund) "shall not be made where such transfer will hinder, or in anywise delay the purpose for which the fund depleted was created," and that money used shall be repaid into the fund depleted out of the proceeds of sale of jute, are not, in my opinion, sufficient safeguards.

*Third*—There is not the usual or sufficient supervision over the expenditures of a portion of the fund. It is evident from the clause first above quoted, that the expenditure of the

profits and the payment of the expenses of manufacturing incurred, would be made by the Directors without any auditing or supervision by the Board of Examiners or other officers.

In conclusion, I recommend that the sum asked for by the Prison Directors in their report, thirty thousand dollars, be added to the Revolving Fund of 1885, and that all profits be placed to the credit of the General Fund, the State having made ample provision in the General Appropriation Bill for all the necessary expenses of the prison.

WASHINGTON BARTLETT, Governor.

Mr. Jones in the chair.

Mr. White moved that the Senate do proceed to reconsider Senate Bill No. 270—Entitled an Act to amend an Act entitled "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor.

Motion carried.

Mr. White moved that the said bill be again put upon its passage in accordance with section sixteen, of Article IV, of the Constitution.

Whereupon, said bill was again put upon its passage, the question being whether such bill shall become a law notwithstanding the Governor's objections.

Upon the roll being called, the bill failed to pass by the following vote:

AYES—None.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, Moffitt, Murphy, Roth, Sargent, Spellacy, Sullivan, Walrath, White, and Wilson—27.

#### REPORT OF STANDING COMMITTEE.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 105—Entitled an Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

Senate Bill No. 327—An Act to grant to the United States certain tide lands, belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Senate Bill No. 447—An Act appropriating money to meet the deficiency in the appropriation to pay the per diem and mileage of the Lieutenant Governor and State Senators, for the twenty-seventh session.

Senate Bill No. 25—An Act to amend section one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial.

Senate Constitutional Amendment, No. 2—To propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

Senate Bill No. 188—An Act to amend an Act entitled "An Act to grant to Boards of Health, or Health Officers, in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers," approved March 3, 1885, by amending sections one and two thereof.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.

#### CALL OF THE SENATE.

Mr. Moffitt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Clunie, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, Mc-

Carthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Rose, Roth, Sargent, Spellacy, Sullivan, Walrath, White, and Wilson.

On motion of Mr. Boggs, further proceedings under the call were dispensed with.

#### LEAVE OF ABSENCE.

Mr. Vrooman was granted temporary leave of absence.

#### INTRODUCTION OF BILL.

Mr. Boggs had unanimous consent to introduce the following bill:

By Mr. Boggs: Senate Bill No. 452—An Act making an additional appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin.

Read first time.

Mr. Boggs moved to suspend section fifteen, Article IV, of the Constitution, and that Senate Bill No. 452 presents a case of urgency, as that term is used in section fifteen, Article IV, of the Constitution, and that the provisions of said section requiring that bills be read on three several days, is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Boggs' motion was lost by the following vote:

AYES—Messrs. Boggs, Bowers, Caminetti, Chandler, Clunie, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, McDonald, Meany, Roth, Sargent, and White—19

NOES—Messrs. Abbott, Briceland, Byrnes, Crandall, Gesford, Lenahan, McCarthy, Moffitt, Spellacy, Sullivan, Walrath, and Wilson—12.

Mr. Goucher moved to take up Assembly message.

So ordered.

#### ASSEMBLY MESSAGE.

Assembly message was read as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed, as amended, Senate Bill No. 234—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Mr. Goucher moved to take up Senate Bill No. 234, and consider the amendments of the Assembly thereto.

So ordered.

Assembly amendments to Senate Bill No. 234 were severally read and concurred in by the Senate, as follows:

Amend section three, in line five, of printed bill, by striking out, after the word "with," the words "the present and existing."

Also, amend section three, in line fourteen, by striking out, after the word "regarded," the words "and confirmed."

Also, amend section three, by inserting, after the word "California," in line fifteen, the words "when confirmed by the United States Government."

Also, amend section three, by inserting, after the word "Act," in line seventeen, the words "and confirmed as hereinbefore provided."

Also, amend section four, by striking out, in lines three and four, of printed bill, after the word "survey," in line three, the words "and removal of the present monuments."

The bill, so amended, was ordered to engrossment.

Mr. Caminetti moved to take up and have read a third time Senate Bill No. 395—An Act providing for the construction of fishways.

So ordered.

Senate Bill No. 395 read a third time, and refused passage by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, Meany, Moffitt, and Walrath—16.

NOES—Messrs. Conklin, Crandall, Langford, McDonald, Murphy, Sargent, Spellacy, Sullivan, White, and Yell—10.

Mr. White gave notice that, on to-morrow, he would move to reconsider the vote whereby Senate Bill No. 395 failed to pass.

Mr. White gave notice that he would also move to reconsider the vote whereby Assembly Bill No. 525 was passed.

#### RECESS.

At five o'clock P. M. the Senate took a recess until seven o'clock and thirty minutes P. M.

#### REASSEMBLED.

After recess the roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Bowers, Caminetti, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Steele, Walrath, and White.

Quorum present.

Journal of yesterday read, corrected, and approved.

Mr. Vrooman moved to take up all Assembly Bills under the head of Special File, from No. 12 to 16, inclusive.

So ordered.

#### RESOLUTION.

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 503—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor, presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section, requiring that said bill shall be read on three several days, is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, and White—31.

NOES—None.

Assembly Bill No. 503 read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, and White—31.

NOES—None.



Title read and approved.

RESOLUTION.

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 234—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, and lights, for the Legislature and State officers, for the thirty-fourth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, and White—30.

NOES—None.

Assembly Bill No. 234 read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Wilson—31.

NOES—None.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 261—Entitled "An Act to provide for the payment of the expenses incurred in fitting up and furnishing the chambers of the Supreme Court Commissioners"—presents a case of urgency, as that term is used in section fifteen, Article IV, of the Constitution, and provision of said section, requiring that said bill shall be read on three several days, is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Wilson—30.

NOES—None.

Title read and approved.

Assembly Bill No. 261 read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—28.

NOES—None.

Title read and approved.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 260—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-seventh fiscal year, presents a case of urgency, as the term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

### Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, and White—27.  
 NOES—None.

Assembly Bill No. 260 read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White—30.  
 NOES—None.

Title read and approved.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 257—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-sixth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution of this state, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be read this day the first, second, and third times, and placed upon final passage.

### Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White—29.  
 NOES—None.

Assembly Bill No. 257 read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—32.  
 NOES—None.

Title read and approved.

Resolution by Mr. Gesford:

*Resolved*, That Assembly Bill No. 39 presents a case of urgency, as contemplated by section fifteen, Article IV, of the Constitution of California, and that the provisions of said section requiring bills to be read on three several days be and the same are hereby dispensed with, and it is ordered that said bill be now read the third time and placed upon its passage, it having been already read the first and second times.

### Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—32.  
 NOES—None.

Assembly Bill No. 39—An Act to repeal section two thousand six hundred and twenty and subdivision five of section two thousand six hundred and forty-three, and to amend sections two thousand six hundred and forty-two, two thousand six hundred and forty-three, two

thousand six hundred and fifty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-five, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety, two thousand six hundred and ninety-one, and two thousand six hundred and ninety-two of an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code, approved March 12, 1872,' and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Read second and third times, and passed by the following vote:

AYES—MESSRS. Abbott, Bowers, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Murphy, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—28.  
 NOES—Mr. Sargent—1.

Title read and approved.

Mr. White offered the following resolution:

*Resolved*, That Assembly Bill No. 526—Entitled an Act to repeal an Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California, approved February 20, 1872, presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

Resolution adopted by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Caminetti, Chandler, Crandall, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Moffitt, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—27.  
 NOES—None.

Assembly Bill No. 526 read second and third times, and passed by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—31.  
 NOES—None.

Title read and approved.

Mr. White offered the following resolution:

*Resolved*, That Assembly Bill No. 527—Entitled an Act to repeal an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California," approved February 20, 1872, presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of that section requiring that said bill be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

Resolution adopted by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Caminetti, Chandler, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—29.  
 NOES—None.

Assembly Bill No. 527 read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Meany, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—28.

NOES—None.

Title read and approved.

#### ADJOURNMENT.

Mr. Jones moved to adjourn.

The ayes and noes were demanded by Messrs. Dray, Walrath, and Boggs, and the motion of Mr. Jones prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Caminetti, Chandler, Crimmins, Dray, Goucher, Hall, Hinshaw, Jones, Lenahan, McCudden, McDonald, Moffitt, Murphy, Sargent, Vrooman, Walrath, Wilson, and Yell—20.

NOES—Messrs. Abbott, Byrnes, Crandall, Dixon, Gesford, Haynes, Langford, McCarthy, Meany, Roth, Spellacy, Steele, Sullivan, and White—14.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, March 10, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Steele, Vrooman, Walrath, White, and Yell.

Quorum present.

Mr. Caminetti moved to dispense with the reading of the Journal for the present.

So ordered.

#### SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 287—An Act to provide for the organization and government of water districts, and to provide for the acquisition, control, and distribution of water for irrigation.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Pinder, Roth, Sargent, Sullivan, Vrooman, Walrath, and White—29.

NOES—None.

Title read and approved.

Senate Bill No. 451 read third time.

Mr. Bowers moved a call of the Senate.



So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, and White.

Mr. Goucher moved that a list of absentees be placed in the hands of the Sergeant-at-Arms, and he be instructed to arrest the absent Senators.

So ordered.

Thereupon, the Sergeant-at-Arms presented Senators Wilson and Moffitt at the bar of the Senate.

Both gentlemen, having valid excuses, were excused.

Mr. Goucher moved to dispense with further proceedings under the call of the Senate.

So ordered.

The roll call on Senate Bill No. 451 was then taken, and the bill passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, and White—30.

NOES—Messrs. Caminetti, Vrooman, Walrath, and Wilson—4.

Title read and approved.

Mr. Vrooman explained his refusal to vote for the passage of Senate Bill No. 451, as follows: That he would not vote for a bill which allowed a Board of officers to draw money from the State Treasury.

Mr. Meany gave notice that, at next session of the Senate, he would move a reconsideration of the vote whereby Senate Bill No. 451 was passed.

Mr. Haynes moved to call up his motion to consider Assembly Bill No. 175.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Briceland was granted temporary leave of absence.

Upon the motion to reconsider Assembly Bill No. 175, the ayes and noes were demanded by Messrs. Haynes, Sargent, and Yell, and the motion was lost by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Dixon, Hinshaw, Lenahan, McCarthy, Murphy, Roth, Sargent, and Yell—12.

NOES—Messrs. Abbott, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, McCudden, McDonald, Meany, Steele, Vrooman, Walrath, and White—17.

Mr. Vrooman moved to take up Assembly message.

So ordered.

#### ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, recalled from the Senate the names of Messrs. Sims, Wright, and Britt, as members of the Committee of Conference upon the disagreements existing between the Senate and Assembly upon Senate amendments to Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506—An Act to amend sections seventeen, twenty-

five, one hundred and sixty-four, one hundred and sixty-six, one hundred and sixty-seven, one hundred and seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-three, one hundred and ninety-eight, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, relating to the government of counties—and appointed, as such committee, Messrs. Price, Brusie, and Handy.

Also, appointed Messrs. Sims, Britt, and Wright, as a Committee of Conference on the part of the Assembly, to meet a like committee from the Senate (theretofore appointed), upon the disagreement existing between the Senate and Assembly upon Assembly amendments to Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also, passed Assembly Bill No. 376—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-sixth fiscal year.

Also, passed Assembly Bill No. 371—An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-sixth fiscal year.

Also, Assembly Bill No. 370—An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-seventh fiscal year.

Also, Assembly Bill No. 209—An Act to amend section one hundred and twelve of the Code of Civil Procedure, Chapter V, Article III, relating to Justices of the Peace and Justices' Courts in general.

Also, amended, and passed as amended, Senate Bill No. 144—An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes, and to appropriate money therefor.

And passed the following bills:

Senate Bill No. 100—An Act to amend section nine of an Act entitled "An Act for the promotion of the viticultural industries of the State," approved April 15, 1880, in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof.

Senate Bill No. 157—An Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and thirty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

And Senate Bill No. 61—An Act making an appropriation for the deficiency in the appropriation for rent and contingent expenses of Insurance Commissioner, for the thirty-seventh fiscal year.

Also, amended, and passed as amended, Senate Bill No. 116—An Act to add section five hundred and thirty-nine to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy.

And respectfully refused to concur in Senate amendments to Assembly Bill No. 13—"An Act to repeal section twelve, and to amend sections twenty-one and twenty-five of an Act to define, regulate, and govern the State Prisons of California, approved April 15, 1880, relating to the employment of convicts, and the sale of prison products."

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 376 and 371 ordered on Special File and to first reading.

Assembly Bill No. 370 ordered on Special File.

Assembly Bill No. 209 ordered on General File.

Senate Bill No. 144 amended in Assembly as follows: amend, by inserting, after the word "Asylum," in line thirteen, the following: "a sewer may be constructed instead of an open canal on any part of the line of the proposed canal;" insert the word and figure "Section 1" before line one of bill.

Senate concurred, and the bill ordered to enrollment.

Senate Bills Nos. 160, 157, and 61 ordered to enrollment.

Assembly amendment to Senate Bill No. 116, as follows: strike out, after the word "deputy," the words "at a salary of two thousand four

hundred dollars per annum," and, in lieu thereof, insert the following words: "who shall be the bookkeeper for the Superintendent."

Senate concurred in, and the bill was ordered to enrollment.

Assembly Bill No. 13, being under consideration by the Conference Committee, was temporarily passed.

Mr. Gesford moved a call of the Senate.

So ordered, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Byrnes, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell.

Mr. Bowers moved to dispense with further proceedings under the call of the Senate.

So ordered.

Mr. Gesford moved to appoint a committee of three, consisting of Messrs. Goucher, Jones, and Hall, to confer with a like number from the Assembly.

Mr. Goucher moved to amend, by substituting Mr. Gesford in his place.

Mr. Gesford accepted the substitution.

Mr. White raised the point of order, that a Committee of Conference cannot be appointed until the Senate recedes from the Assembly amendment.

The Chair ruled the point well taken.

The Senate refused to recede, and Mr. Goucher moved to appoint a Committee of Conference, consisting of Senators Gesford, Hall, and Jones, to meet a like number from the Assembly.

So ordered.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 370 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each House, is hereby dispensed with, and it is ordered that said bill shall be, this day, read the second and third times, and placed upon its passage.

Resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—32.

NOES—None.

RECESS.

At twelve o'clock M. the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Brice land, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Yell.

Quorum present.

LEAVE OF ABSENCE.

Mr. Bowers was granted leave of absence for the remainder of the session.

Mr. Gesford asked leave of absence for one day.

Not granted.

Mr. Sullivan asked for indefinite leave of absence for Mr. Clunie, on account of illness.

Granted.

REPORT OF SELECT COMMITTEE OF CONFERENCE ON SENATE BILL No. 191.

SENATE CHAMBER, SACRAMENTO, March 8, 1887.

MR. PRESIDENT: Your Committee of Conference, to whom was referred Senate Bill No. 191 have had the same under consideration, and respectfully report the same back, and recommend that the Assembly do recede from all Assembly amendments.

J. M. BRICELAND.

E. B. CONKLIN.

B. F. LANGFORD.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed:  
Senate Bill No. 116.

DIXON, Chairman.

SPECIAL ORDER.

Assembly Bill No. 370—An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-seventh fiscal year.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hunshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—35.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE OF CONFERENCE ON AMENDMENTS NOS. 19 AND 30  
OF SUBSTITUTE FOR ASSEMBLY BILL NO. 323 ET AL.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your Committee of Conference, appointed to confer with a similar committee from the House on the subject of Senate Amendments Nos. 19 and 30 to "Substitute for Assembly Bills Nos. 323 and others, relating to county governments"—do now report, that such conference was held this day, and the two committees have recommended:

*First*—That the Assembly do concur in Senate Amendment No. 30.

*Second*—That your committee were unable to agree with the House committee on the subject of Senate Amendment No. 19, and would therefore ask that a Committee of Free Conference be appointed to consider said Senate Amendment No. 19.

A. CAMINETTI.

A. F. JONES.

J. N. E. WILSON.

Conference Committee on part of Senate.

Report adopted.



## RESOLUTION.

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 371 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read the second and third times and placed upon its passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—34.

NOES—None.

Assembly Bill No. 371—An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-sixth fiscal year.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, Wilson, and Yell—34.

NOES—None.

Title read and approved.

## RESOLUTION.

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 376 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read the second and third times and placed upon its passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and Yell—33.

NOES—None.

Assembly Bill No. 376—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-sixth fiscal year.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—34.

NOES—None.

Title read and approved.

## GOVERNOR'S MESSAGE.

The Governor's message was considered as follows:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. )  
SACRAMENTO, March 8, 1887. )

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 60. Entitled an Act making additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for thirty-eighth fiscal year.

Also, Senate Bill No. 66. Entitled an Act to provide for the deficiency in the appropriation for official advertising, for thirty-eighth fiscal year.

Also, Senate Bill No. 105—Entitled an Act to amend section three thousand seven hundred and two of the Political Code, relating to the State Board of Equalization.

Also, Senate Bill No. 232. Entitled an Act to increase the number of Judges of the Superior Court of Fresno County.

Also, Senate Bill No. 25. Entitled an Act to amend sections one thousand and thirty-three, one thousand and thirty-four, one thousand and thirty-five of an Act entitled an Act to establish a Penal Code, relating to the removal of criminal actions before trial.

Also, Senate Bill No. 106. Entitled an Act to amend section six hundred and fifty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

Also, Senate Bill No. 188. Entitled an Act to amend an Act entitled an Act to grant to Boards of Health, or Health Officers, in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers, approved March 3, 1885, by amending sections one and two thereof.

Also, Senate Bill No. 327. Entitled an Act to grant to the United States certain tidelands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Also, Senate Bill No. 447. Entitled an Act appropriating money to meet the deficiency in the appropriation to pay the per diem and mileage of the Lieutenant-Governor and State Senators, for the twenty-seventh session of the Legislature.

Also, Senate Bill No. 4. Entitled an Act to establish a Branch State Normal School in Northern California.

WASHINGTON BARTLETT, Governor.

Assembly Bill No. 348—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, and three thousand four hundred and fifty-four of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation, in reclamation districts of this State.

Mr. Boggs moved to commit the bill to Mr. Dray, with instructions to amend as follows: amend section three, by adding "*provided*, that no warrant thus drawn shall be valid until approved by the Board of Supervisors of the proper county."

So ordered.

REPORT OF SELECT COMMITTEE.

As follows:

Amend section three of Assembly Bill No. 348, by adding "*provided*, that no warrant thus drawn shall be valid until approved by the Board of Supervisors of the proper county."

DRAY, of Committee.

Assembly Bill No. 348 read third time, and ordered printed.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Meany, by unanimous consent: Senate Bill No. 453—An Act appropriating money to meet the contingent expenses of the Senate, for the twenty-seventh session.

## RESOLUTION.

By Mr. Meany:

*Resolved*, That Senate Bill No. 453 be declared a case of urgency, as that term is used in section fifteen, Article IV, of the Constitution, and that the provisions of said section requiring the bill to be read on three several days be and they are hereby dispensed with, and that said bill be now read the first, second, and third times, and placed upon its final passage.

Resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—32.

NOES—None.

Senate Bill No. 453 read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—31.

NOES—Mr. Hinshaw—1.

Title read and approved.

Mr. Caminetti gave notice that he would, at the next session, move to reconsider the vote whereby Senate Bill No. 453 was passed.

Mr. Steele moved that the Senate do now take up Assembly Bill No. 81 and reconsider it, as per his notice given yesterday.

So ordered.

Mr. Steele moved a call of the Senate.

So ordered.

The roll was thereupon called, and the following Senators answered to their names:

Messrs. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

## MOTION.

Mr. Steele moved that further proceedings under the call be dispensed with.

So ordered.

Upon Mr. Steele's motion of yesterday, to reconsider the vote whereby the Senate refused to pass Assembly Bill No. 81.

The ayes and noes were demanded, and the reconsideration was carried by the following vote:

AYES—Messrs. Byrnes, Conklin, Crandall, Crimmins, Dixon, Goucher, Hinshaw, Jones, Langford, Lenahan, McCudden, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Wilson—20.

NOES—Messrs. Abbott, Boggs, Bowers, Caminetti, Dray, Gesford, Hall, Haynes, McCarthy, McDonald, Meany, Murphy, Walrath, and Yell—14.

## MOTION.

Mr. Steele moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

#### MOTION.

Mr. Jones moved to dispense with further proceedings under the call of the Senate.

The question being on the passage of Assembly Bill No. 81—An Act in relation to the compensation of the Mayor and members of the Common Council of cities containing a population not exceeding ten thousand.

The Senate refused the passage of the bill by the following vote:

AYES—Messrs. Conklin, Crandall, Crimmins, Dixon, Goucher, Langford, McCudden, Moffitt, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, and White—15.

NOES—Messrs. Abbott, Boggs, Bowers, Briceland, Caminetti, Chandler, Dray, Gesford, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McDonald, Meany, Murphy, Vrooman, Walrath, and Yell—19.

#### MOTION.

Mr. Dray moved that Assembly Bill No. 521 be recalled from the Governor, on account of an error in its transmission.

#### POINT OF ORDER.

Mr. Goucher raised the point of order, that the bill, being an Assembly Bill, and having gone to enrollment, was consequently out of the authority of the Senate.

The Chair sustained the point as well taken.

#### MOTION FOR SPECIAL ORDER.

Mr. Murphy moved that the consideration of the majority report of the Committee on Elections be made a special order for seven o'clock and thirty minutes this evening.

So ordered.

#### GENERAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 124—An Act to amend section six hundred and twenty-six of the Penal Code, relative to fish and game.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Chandler, Dixon, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Sargent, Spellacy, Steele, Walrath, White, and Yell—24.

NOES—Messrs. Bowers, Crandall, and Vrooman—3.

Title read and approved.

Mr. Bowers explained his vote as follows: He voted "no," merely because he was opposed to the bill.



## MOTION.

Mr. Pinder moved that Assembly Bill No. 124 be immediately transmitted to the Assembly.

So ordered.

## THIRD READING OF BILLS—GENERAL FILE.

Assembly Bill No. 199—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending section one thousand and forty-six thereof, relating to forming juries in criminal causes.

Read third time.

Mr. Meany moved a call of the Senate.

So ordered.

MESSRS. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell.

## MOTION.

Mr. Meany moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

Assembly Bill No. 199 passed by the following vote:

AYES—MESSRS. Abbott, Bowers, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, McDonald, Meany, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—26.

NOES—MESSRS. Boggs, Briceland, Crimmins, Dray, Jones, Moffitt, Murphy, Roth, and Yell—9.

Title read and approved.

## NOTICE TO RECONSIDER.

Mr. Sargent gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 199 passed the Senate.

Assembly Bill No. 208—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read the third time, and passed by the following vote:

AYES—MESSRS. Abbott, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Lenahan, McCarthy, McCudden, McDonald, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Yell—26.

NOES—Mr. Moffitt—1.

Title read and approved.

## REPORT OF STANDING COMMITTEE.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 127—Entitled an Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations.

Also, Senate Bill No. 443—An Act to amend section eight of an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876, relating to the Resident and Assistant Physicians.

Also, Senate Bill No. 430—An Act to provide for the completion of all unfinished county buildings in the several counties, cities and counties, cities, and towns throughout the State of California.

Also, Senate Bill No. 67—An Act to amend section three thousand two hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, and to add five new sections to said Political Code, to be numbered sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, and three thousand two hundred and fifty, regulating the hours of labor.

Also, Senate Bill No. 234—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Senate Bill No. 237—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller and Trustees of school districts, as to apportionment of moneys, the enrollment of pupils in the grammar school course, and to provide for the same. And to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, and one thousand six hundred and ninety-six of said Act, in relation to pupils enrolled in the grammar school course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor.

Senate Bill No. 162—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the "restoration and preservation of fish" in the waters of the State of California.

Also, Senate Bill No. 10—An Act to amend section six hundred and ninety of an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, by adding a new article, exempting fishing boats and nets from execution.

Also, Senate Bill No. 196—An Act appropriating the sum of ten thousand dollars to erect a building for the purpose of furnishing dormitories and dining-rooms for the male adult blind inmates at the "Home for the Adult Blind."

Also, Senate Bill No. 342—An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State.

Also, Senate Bill No. 192—An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.

Assembly Bill No. 35—An Act for the better protection of settlers on the public lands of the United States within the State of California, and for the protection and encouragement of persons desirous of settling thereon.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Briceland, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Wilson—29.

NOES—Messrs. Vrooman and Yell—2.

Title read and approved.

RESOLUTION.

By Mr. Conklin:

*Resolved*, That the Senate rescind the vote taken to-day, whereby the report of the Senate Special Conference Committee was not adopted, and that Assembly messages be now taken up, and the action of the Assembly on said bill (191) be adopted, and the bill ordered to enrollment.

Adopted.

MOTION.

Mr. Moffitt moved to take up Assembly messages.  
So ordered.

## ASSEMBLY MESSAGES.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Committee of Conference by receding from its amendments to Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also, concurred in Senate amendments to Assembly Bill No. 521—An Act relating to the dissolution and modification of injunctions, and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure.

Also, concurred in Senate amendments to Assembly Bill No. 503—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor.

Also, concurred in Senate amendments to Assembly Bill No. 39—An Act to amend sections two thousand six hundred and eighty-two, two thousand six hundred and eighty-five, two thousand six hundred and eighty-nine, two thousand six hundred and ninety, and two thousand six hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to roads and highways.

Also, concurred in Senate amendments to Assembly Bill No. 287—An Act to provide for the organization and government of water districts, and to provide for the acquisition, control, and distribution of water for irrigation.

Also, appointed as a Committee of Conference upon the disagreements existing between the Senate and Assembly upon Senate amendments to Assembly Bill No. 13—"An Act to repeal section twelve, and to amend sections twenty-one and twenty-five of an Act to define, regulate, and govern the State Prisons of California, approved April 15, 1880, relating to the employment of convicts, and the sale of prison products," Messrs. Davis, McGowan, and McDonnell, on behalf of the Assembly, to meet a like committee, heretofore appointed on behalf of the Senate.

Also, appointed, on behalf of the Assembly, Messrs. Handy, Venable, and Alexander, as a Committee of Free Conference, to meet a like committee from the Senate, for the purpose of acting upon the disagreement existing between the Senate and Assembly upon Senate amendments to Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506, to amend sections seventeen, twenty-five, sixty-six, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, two hundred and three, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, and to insert a new section therein, to be numbered one hundred and ten and one half, relating to the government of counties.

Also, adopted that portion of the report of the Joint Committee of Conference upon Senate amendments to Substitute for Assembly Bills Nos. 323, 279, 186, 238, 137, 235, 388, 237, 345, 56, and 506—An Act to amend sections seventeen, twenty-five, sixty-six, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, two hundred and three, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, and to insert a new section therein, to be numbered one hundred and ten and one half, relating to the government of counties, relating to Senate Amendment No. 30, and concurred in said Amendment No. 30.

Also, concurred in Senate amendments to Assembly Bill No. 22—An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, by amending and revising and subdividing into new sections section one hundred and sixty-three of said Act, and renumbering sections one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, and one hundred and eighty-four of said Act shall be hereafter respectively known and numbered as sections two hundred and eleven, two hundred and twelve, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, two hun-

dred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty, and two hundred and thirty-one.

Also, respectfully refuses to comply with the request of the Senate, by returning Assembly Bill No. 521—An Act relating to the dissolution and modifications of injunctions, and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure—to the Senate, for the following reason, viz.:

That Senate amendments thereto have been adopted, and the bill ordered enrolled and delivered to the Assembly Enrollment Committee before action was had upon the request of the Senate.

Also, the twenty-third of February, adopted Assembly Constitutional Amendment No. 5—Proposed amendment to Article IV of the Constitution, relative to the passage of special laws.

Also, on this day, passed Assembly Bill No. 202—An Act to amend section one hundred and three of an Act entitled an Act to amend an Act of the Legislature of the State of California, to establish a Code of Civil Procedure, approved March 17, 1872, relating to Justices' Courts and Justices of the Peace.

Also, passed Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other explosives.

Also, passed Assembly Bill No. 564—An Act to provide for the payment of mileage of Presidential Electors, during the fortieth fiscal year.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 202 ordered on file.  
Senate Bill No. 333 ordered to enrollment.

#### MOTION.

Mr. Vrooman moved to take up, out of order, Assembly Bill No. 564.  
So ordered.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 564—"An Act to provide for the payment of mileage of Presidential Electors for the fortieth fiscal year"—presents a case of urgency, as that word is used in section one, of Article IV, of the Constitution, and the provision of that section requiring that the bill be read upon three several days is dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

#### Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—59.

NOES—None.

Assembly Bill No. 564 read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Goucher, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—29.

NOES—None.

Title read and approved.

#### RESOLUTION.

By Mr. Abbott:

*Resolved*, That Senators Chandler, Haynes, and Caminetti are hereby appointed a committee, to meet a like committee from the Assembly, to determine the time of adjournment sine die, and the Assembly is most respectfully requested to appoint such committee.



Adopted.

## GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 10, 1887. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 39—Entitled an Act to amend an Act creating a Board of Bank Commissioners, and prescribing their duties and powers, approved March 13, 1878.

Also, Senate Bill No. 127—Entitled an Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations.

Also, Senate Bill No. 430—Entitled an Act to provide for the completion of all unfinished county, city and county, town, and township buildings in the several counties, cities and counties, cities, and towns, throughout the State.

WASHINGTON BARTLETT, Governor.

## REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your Committee of Free Conference, to whom was referred the duty of considering, with an Assembly Free Conference Committee, Senate Amendment No. 19 to the "Substitute Bill for Assembly Bill No. 323 and others," relating to county and township governments, now report that said conference has been held, and further report:

*First*—That the committee were unable to agree.

*Second*—That the Senate committee proposed to so change the amendment that the maximum rate of license tax therein provided for should be fifty dollars per quarter.

*Third*—That the Assembly committee declined to concur in such change.

Wherefore, your committee ask for further instructions.

A. CAMINETTI.  
J. N. E. WILSON.  
A. F. JONES.

## MOTION.

Mr. Steele moved that the Senate recede from Amendment No. 19 on the Substitute for Assembly Bill No. 323 et al.

Upon which motion the ayes and noes were demanded by Messrs. Bowers, Meany, and Yell, and the motion prevailed by the following vote:

AYES—MESSRS. Abbott, Boggs, Bowers, Briceland, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Haynes, Hinshaw, Langford, Lenahan, McCudden, Meany, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—23.

NOES—MESSRS. Caminetti, Goucher, McCarthy, McDonald, Murphy, Pinder, Sullivan, and Wilson—8.

## RECESS.

At four o'clock and thirty minutes P. M., on motion of Mr. Murphy, the Senate took a recess until seven o'clock and thirty minutes P. M.

## REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled.  
President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Abbott, Briceland, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Langford, Lenahan, McCarthy, McCudden, Meany, Pinder, Roth, Sullivan, Vrooman, Walrath, White, and Yell.

Mr. Lenahan asked to change his vote on Assembly Bill No. 323

et al. from "aye" to "no," and to have his vote appear in the Journal to that effect.

So ordered.

#### MOTION.

Mr. Dixon moved that Assembly Bills Nos. 35, 564, and 208 be forthwith transmitted to the Assembly.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Moffitt was granted leave of absence for the evening.

President Waterman in the chair.

Mr. Caminetti offered the following resolution:

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your Committee of Free Conference, appointed to confer with a similar committee from the Assembly, on the subject of Senate Amendment No. 49 to the Substitute for Assembly Bill No. 323 and others, relating to county and township governments, now report that under instruction of the Senate such conference has been held, and your committee recommend that the Senate recede from said Amendment No. 49.

A. CAMINETTI,

J. N. E. WILSON,

A. F. JONES,

Committee.

Adopted.

Resolution by Mr. Gesford:

*Resolved by the Senate of California, the Assembly concurring,* That the Superintendent of Public Instruction and two other persons connected with the educational interests of the State, to be selected by the Governor, be and they are hereby appointed as a committee to represent California at a meeting of the National Educational Association, to be held at Chicago, in July, eighteen hundred and eighty-seven, urge its members to hold their annual session for eighteen hundred and eighty-eight in this State. The Superintendent of Public Instruction is hereby granted permission to be absent from the State for five weeks during the months of July and August, eighteen hundred and eighty-seven, for the purpose of attending said meeting, and visiting such other educational institutions as his time will permit; and the committee so appointed shall defray the expenses of such committee.

Adopted.

#### RESOLUTION.

By Mr. Vrooman:

*Resolved,* That Assembly Bill No. 40, An Act to amend section thirty-two of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—presents a case of urgency, as that word is used in section fifteen, of Article IV, and the provision of that section requiring the bill to be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—39.

NOES—None.

Assembly Bill No. 40 read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Briceland, Caminetti, Chandler, Conklin, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Yell—27.

NOES—None.

Title read and approved.

MOTIONS.

Mr. Dixon moved that Assembly Bill No. 40 be transmitted to the Assembly forthwith.

So ordered.

Mr. Hinshaw moved that the Senate take up Assembly Bill No. 41 (14 on file).

Lost.

Mr. Goucher moved to amend, by keeping on with the regular file, third reading of bills.

So ordered.

Mr. Murphy moved that the Senate postpone the special order until a minority report has been prepared by Mr. Caminetti.

So ordered.

GENERAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 118—An Act to amend section three thousand seven hundred and sixty-eight of the Political Code of the State of California, relating to the time and place where sales of property for delinquent taxes shall be held.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Spellacy, Steele, Vrooman, Walrath, White, and Wilson—29.

NOES—Messrs. Sargent and Spellacy—2.

Title read and approved.

Assembly Bill No. 107—An Act providing for the payment of D. Jordan, for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Chandler, Crimmins, Dixon, Goucher, Hall, Jones, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, Wilson, and Yell—24.

NOES—Messrs. Abbott, Caminetti, Conklin, Crandall, Dray, Gesford, Haynes, Hinshaw, Langford, McCudden, Vrooman, and White—12.

Title read and approved.

MOTION.

Mr. Goucher moved to have Assembly Bill No. 107 transmitted to the Assembly immediately.

So ordered.

REPORTS OF SELECT COMMITTEES.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your Committee of Conference with Assembly Committee on Senate Substitute for Assembly Bill No. 13, respectfully report that the committee cannot agree on the amendments offered, and request that the same committee be appointed as a Committee of Free Conference on Assembly Bill No. 13.

A. F. JONES, Chairman.

Adopted.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your committee, appointed to confer with a like committee appointed by the Assembly, to agree upon the hour of adjournment sine die of the Legislature, beg leave to report that the joint committee have fixed Friday, March eleventh, eighteen hundred and eighty-seven, at one o'clock P. M., as the hour for such adjournment, and recommend that the following resolution be adopted:

*Resolved by the Senate, the Assembly concurring,* That this Legislature do adjourn sine die on Friday, March eleventh, eighteen hundred and eighty-seven, at one o'clock P. M.

A. L. CHANDLER,  
J. P. HAYNES,  
A. CAMINETTI,  
Committee.

Adopted.

#### PROTEST.

Mr. Roth offered the following protest, and moved to have the same spread in full upon the Journal.

So ordered.

#### *To the President and members of the Senate:*

The undersigned respectfully protest against the action taken in relation to Assembly Bill No. 521—Entitled "An Act relating to the dissolution and modification of injunctions and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure"—and further protest that the said bill, alleged to be enrolled, or in course of enrollment by the Assembly, was not passed by the Senate, and that though it may receive the approval of the Governor, will not be a law of this State, and in support of this protest state the following facts:

The said bill, on March ninth, upon its passage, received the following vote—ayes, 21; noes, 15.

On that day the Hon. Stephen M. White and the Hon. George Steele, each having voted in the affirmative and the majority, each gave notice, in accordance with Rule 29 of the Senate, which provides as follows:

"On the day succeeding that on which a final vote on any bill has been taken said vote may be reconsidered, on the motion of any Senator—*provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority."

That on the day following, to wit, March tenth, he would move to reconsider the vote by which said Assembly Bill No. 521 was passed.

That in accordance with the rules the said bill was put upon the Special File or order for consideration on March tenth, at eleven o'clock A. M., and which was notice to the Senate that the bill was still in the possession of and under consideration by the Senate.

That the printed Journal of the proceedings of the ninth shows—whether fraudulently or not, is for the Senate to determine—that the Hon. George Steele gave notice on that day of his intention, on the tenth instant, to move for a reconsideration of Assembly Bill No. 501; and that the Honorable S. M. White gave notice on that day of his intention, on the tenth instant, to move for a reconsideration of Assembly Bill No. 525 (see pages 13 and 16), whereas, in fact, the Hon. George Steele and Hon. S. M. White each gave notice of intention to move for the reconsideration of Assembly Bill No. 521.

That on this day, the Hon. John Roth, at the proper time, rose and endeavored to move to reconsider the vote whereby Assembly Bill No. 21 was passed by the Senate, when it was discovered that the bill had been, without authority, transmitted to the Assembly. That the Hon. F. R. Dray thereupon moved that the Governor be requested to return said bill on account of its being taken from the Senate without authority, but the President refused to entertain the said motion.

That the Journal of the Assembly of the proceedings of the ninth shows that the bill had not been delivered to that honorable body on the ninth instant, and therefore it must have been sent there on this day.

That the Assembly refused to return the bill to the Senate, on the ground that the amendments by the Senate had been concurred in by the Assembly, and the bill had passed to enrollment.

Your protestants therefore state that said Assembly Bill No. 521, having been illegally transmitted to the Assembly while under consideration by the Senate, and before the Senate had acted upon the motion to reconsider the vote by which the bill was passed on the previous day, the said bill was not legally and finally passed, and protest against the certification by the President and Secretary of the Senate, or by either of them, or by any officer of the Senate, of the said bill as having been passed by the Senate.

Wherefore, your protestants respectfully request that this protest be entered upon the Journal of the Senate, to the end that the Executive and Judicial Departments of the State



may have notice that said Act, or Assembly Bill No. 521, was not passed by the Senate, and is not a law of the State of California.

B. V. SARGENT.  
F. R. DRAY.  
JOHN ROTH.  
GEO. STEELE.  
ARCHIBALD YELL.  
E. C. HINSHAW.  
B. F. LANGFORD.  
A. L. CHANDLER.  
M. W. DIXON.  
JOHN J. SULLIVAN.  
J. M. BOGGS.

#### SPECIAL ORDER.

Mr. Murphy moved to take up the special order set for this evening—being the majority report of the Committee on Elections.

Mr. Caminetti offered a minority report.

Mr. Sullivan moved the adoption of the majority report.

Mr. Caminetti moved a division of the question.

So ordered.

#### MAJORITY COMMITTEE RESOLUTION.

*Resolved*, That the sum of one thousand eight hundred and eighteen dollars and ninety-five cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to E. B. Conklin, for the expenses incurred by him in the contested election case of Ryland vs. Conklin; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of E. B. Conklin for the said sum.

Mr. Jones moved, as a substitute for the majority committee report, that the sum of one thousand six hundred dollars be allowed Mr. Conklin.

Mr. Caminetti moved to adopt the amount set by the minority report, which was nine hundred and ninety-three dollars and fifteen cents.

Mr. Moffitt moved the previous question.

So ordered.

The roll was called, and the minority report on the Conklin resolution was lost by the following vote:

AYES—MESSRS. Bowers, Briceland, Dray, Gesford, Haynes, Hinshaw, Langford, McCudden, Meany, Moffitt, Sargent, and Vrooman—12.

NOES—MESSRS. Abbott, Boggs, Byrnes, Chandler, Crandall, Crimmins, Dixon, Goucher, Hall, Jones, Lenahan, McCarthy, McDonald, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—22.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "aye," and Mr. Clunie would have voted "no."

Mr. Lenahan moved, as an amendment to the amendment, to allow Mr. Conklin one thousand two hundred dollars.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Abbott, Briceland, Dray, Gesford, Haynes, Hinshaw, Langford, Lenahan, McCudden, Meany, Moffitt, Sargent, Vrooman, White, and Wilson—15.

NOES—MESSRS. Boggs, Bowers, Byrnes, Chandler, Crandall, Crimmins, Dixon, Goucher, Hall, Jones, McCarthy, McDonald, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, and Walrath—19.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," and Mr. Clunie would have voted "aye."

Mr. Caminetti moved to make the amount one thousand three hundred dollars.

Mr. Chandler raised the point of order, that as the previous question had been called by Mr. Moffitt, the only question before the Senate was Mr. Jones' motion.

The Chair decided the point of order well taken.

Upon Mr. Jones' motion, the roll was called and the substitute prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Chandler, Crandall, Crimmins, Dixon, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, and Wilson—21.

NOES—Messrs. Bowers, Briceland, Dray, Gesford, Haynes, Hinshaw, Langford, Meany, Moffitt, Sargent, Vrooman, Walrath, and White—13.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," and Mr. Clunie would have voted "aye."

#### MAJORITY COMMITTEE RESOLUTION.

*Resolved*, That the sum of two thousand five hundred and eighty-five dollars and five cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate, to John W. Ryland, for the expenses incurred by him in the Conklin election case of Ryland vs. Conklin; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John W. Ryland for the said sum.

#### MOTION.

Mr. Vrooman moved that Mr. Ryland's amount be reduced in the same rate as Mr. Conklin's.

Mr. Jones moved, as a substitute, that Mr. Ryland be allowed two thousand two hundred and fifty dollars.

Mr. McCarthy moved the previous question.

So ordered.

The question being on Mr. Jones' substitute.

The roll was called, and the substitute prevailed by the following vote:

AYES—Messrs. Boggs, Briceland, Byrnes, Chandler, Conklin, Crandall, Crimmins, Dixon, Goucher, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Spellacy, Sullivan, White, and Wilson—23.

NOES—Messrs. Abbott, Bowers, Dray, Gesford, Haynes, Hinshaw, Langford, Sargent, Steele, Vrooman, and Walrath—11.

Mr. Caminetti paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

*Resolved*, That the sum of one thousand dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate, to P. J. Crimmins, for the expenses incurred by him in the contested election case of Williams vs. Crimmins; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of P. J. Crimmins for the said sum.

Mr. Wilson moved to adopt the majority report.

Mr. Bowers moved, as a substitute, to adopt the minority report.

Upon which the roll was called, and Mr. Bowers' motion was lost by the following vote:

AYES—Messrs. Abbott, Bowers, Briceland, Goucher, Haynes, Hinshaw, Meany, and Sargent—8.

NOES—Messrs. Boggs, Byrnes, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—24.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

Mr. White moved to amend the majority report, and allow Mr. Crimmins the sum of five hundred dollars.

Upon which, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Abbott, Briceland, Crandall, Dray, Gesford, Goucher, Haynes, Hinshaw, Langford, McCudden, Meany, Sargent, and White—13.

NOES—Messrs. Boggs, Bowers, Byrnes, Chandler, Conklin, Dixon, Hall, Jones, Lenahan, McDonald, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, and Wilson—19.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

#### MOTION.

Mr. Sullivan moved to amend, by making the sum nine hundred and ninety dollars.

Mr. Caminetti moved, as a substitute, to make it six hundred dollars.

The roll was called, and the substitute was lost by the following vote:

AYES—Messrs. Abbott, Briceland, Crandall, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, McCudden, Meany, Sargent, and Steele—13.

NOES—Messrs. Boggs, Byrnes, Chandler, Conklin, Dixon, Dray, Jones, Lenahan, McCarthy, McDonald, Murphy, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—19.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "aye," Mr. Clunie would have voted "no."

The question recurring on Mr. Sullivan's amendment.

Upon which the roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Boggs, Briceland, Byrnes, Conklin, Hall, Jones, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Spellacy, Sullivan, Walrath, and Wilson—17.

NOES—Messrs. Bowers, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hinshaw, Haynes, Langford, Meany, Roth, Sargent, Steele, Vrooman, and White—16.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

#### RESOLUTION BY THE MAJORITY OF COMMITTEE.

*Resolved*, That the sum of five hundred dollars be and is hereby allowed and ordered paid out of the Contingent Fund of the Senate to W. H. Williams, for the expenses incurred by him in the contested election case of Williams vs. Crimmins; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of W. H. Williams for the said sum.

Mr. Jones moved, as a substitute, that Mr. Williams be allowed one dollar.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Chandler, Crandall, Gesford, Haynes, Hinshaw, Jones, Langford, McCudden, Sargent, and Steele—10.

NOES—MESSRS. Abbott, Conklin, Crimmins, Dixon, Goucher, Hall, Lenahan, McCarthy, McDonald, Meany, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—19.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "aye," Mr. Clunie would have voted "no."

#### MOTION.

Mr. Sullivan moved to amend, by allowing Mr. Williams the sum of four hundred and seventy-five dollars.

Mr. Jones moved, as an amendment to the amendment, that Mr. Williams be allowed the sum of fifty dollars.

Mr. Wilson moved the previous question.

The question recurring on Mr. Jones' motion, the roll was called, and the motion was lost by the following vote:

AYES—MESSRS. Briceland, Chandler, Crandall, Haynes, Hinshaw, Jones, Langford, McCudden, Sargent, and Steele—10.

NOES—MESSRS. Abbott, Byrnes, Conklin, Crimmins, Dixon, Gesford, Goucher, Hall, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—21.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "aye," Mr. Clunie would have voted "no."

The motion of Mr. Sullivan being now before the Senate.

The roll was called, and the motion was adopted by the following vote:

AYES—MESSRS. Byrnes, Conklin, Crimmins, Goucher, Hall, Lenahan, McCarthy, McDonald, Meany, Murphy, Pinder, Roth, Spellacy, Sullivan, Walrath, White, and Wilson—17.

NOES—MESSRS. Abbott, Briceland, Chandler, Crandall, Dixon, Dray, Gesford, Haynes, Hinshaw, Jones, Langford, McCudden, Sargent, Steele, and Vrooman—15.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

#### MAJORITY COMMITTEE RESOLUTION.

*Resolved*, That the sum of one thousand dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to T. H. McDonald, for the expenses incurred by him in the contested election case of Gude vs. McDonald; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of T. H. McDonald for the said sum.

Mr. White moved to amend, by allowing Mr. McDonald the sum of nine hundred and ninety dollars.

Pending the consideration of the subject-matter before the Senate, Mr. Vrooman offered the following resolution:

*Resolved by the Senate, the Assembly concurring*, That this Legislature adjourn sine die on Friday, March eleventh, at midnight.

Adopted.

Upon the amendment offered by Mr. White, the roll was called, and the amendment was adopted by the following vote:

AYES—MESSRS. Byrnes, Conklin, Crimmins, Goucher, Hall, Jones, Lenahan, McCarthy, Meany, Murphy, Pinder, Roth, Spellacy, Sullivan, Walrath, White, and Wilson—17.

NOES—MESSRS. Boggs, Bowers, Briceland, Crandall, Gesford, Haynes, Hinshaw, Langford, McCudden, Sargent, Steele, and Vrooman—12.



Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

#### MAJORITY COMMITTEE RESOLUTION.

*Resolved*, That the sum of five hundred dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to H. L. Gude, for the expenses incurred by him in the contested election case of Gude vs. McDonald; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of H. L. Gude for the said sum.

Mr. Jones moved, as a substitute, that Mr. Gude be allowed the sum of one hundred dollars.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Boggs, Briceland, Chandler, Crandall, Goucher, Jones, Meany, Roth, and Sargent—9.

NOES—Messrs. Bowers, Byrnes, Conklin, Crimmins, Dixon, Gesford, Hall, Haynes, Hinshaw, Langford, McCarthy, McCudden, McDonald, Pinder, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—21.

Mr. Sullivan moved to allow Mr. Gude the sum of four hundred and seventy-five dollars.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Byrnes, Conklin, Crimmins, Dixon, Hall, McCarthy, McDonald, Pinder, Roth, Spellacy, Sullivan, and Walrath—12.

NOES—Messrs. Bowers, Briceland, Chandler, Crandall, Gesford, Goucher, Haynes, Hinshaw, Jones, Langford, McCudden, Meany, Sargent, Steele, Vrooman, and White—16.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

Mr. Goucher moved that the sum of two hundred and fifty dollars be allowed to Mr. Gude.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Goucher, Meany, Roth, Sargent, Steele, and White—6.

NOES—Messrs. Boggs, Bowers, Byrnes, Conklin, Crandall, Crimmins, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Pinder, Spellacy, Sullivan, Vrooman, and Walrath—20.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

Mr. Sullivan moved to allow Mr. Gude the sum of four hundred and fifty dollars.

Mr. Jones moved that the consideration of the allowance of Mr. Gude be postponed until to-morrow night.

Lost.

The roll was then called on Mr. Sullivan's motion, which prevailed by the following vote:

AYES—Messrs. Byrnes, Conklin, Crimmins, Dixon, Hall, Lenahan, McCarthy, McDonald, Murphy, Pinder, Roth, Spellacy, Sullivan, Walrath, White, and Wilson—16.

NOES—Messrs. Boggs, Bowers, Chandler, Crandall, Haynes, Hinshaw, Jones, Langford, McCudden, Meany, Sargent, Steele, and Vrooman—13.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," Mr. Clunie would have voted "aye."

## MAJORITY COMMITTEE RESOLUTION.

*Resolved*, That the sum of three hundred and sixty dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to E. A. Girvin for services rendered by him in reporting argument and testimony in election cases; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of E. A. Girvin for the said sum.

Mr. Pinder moved the previous question.

So ordered.

The roll was called upon the committee's resolution, which prevailed by the following vote:

**AYES.** Messrs. Boggs, Byrnes, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Jones, Lenahan, McCarthy, McQuiden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Walrath, White, and Wilson—23.

**NOES.** Messrs. Bowers, Chandler, Gestord, Haynes, Hinshaw, Langford, Meany, and Steele—8.

Mr. Caminetti was paired with Mr. Clunie. Mr. Caminetti would have voted "no," and Mr. Clunie would have voted "aye."

## MAJORITY COMMITTEE RESOLUTION.

*Resolved*, That the sum of one hundred and forty-four dollars be and is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John Kafod, for services rendered by him as Sergeant at Arms of the Senate Committee on Elections, from February first, eighteen hundred and eighty-seven, to and including March ninth, eighteen hundred and eighty-seven; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John Kafod for the said sum.

The roll was called, and the committee resolution was adopted by the following vote:

**AYES.** Messrs. Abbott, Boggs, Bowers, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McQuiden, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Wilson—32.

**NOES.** None.

## REPORT OF SPECIAL COMMITTEE ON ELECTIONS—MAJORITY.

SENATE CHAMBER, SACRAMENTO, March —, 1887.

MR. PRESIDENT: The majority of your Committee on Elections, to whom was referred the bills of expenses in the contested election cases of J. W. Ryland vs. E. B. Conklin, W. H. Williams vs. P. J. Crimmins, and H. L. Gude vs. T. H. McDonald, have examined the same, and return them herewith, with the recommendation that the following resolutions be adopted:

*Resolved*, That the sum of one thousand eight hundred dollars and ninety-five cents be and the same is hereby ordered paid out of the Contingent Fund of the Senate to E. B. Conklin, for the expenses incurred by him in the contested election case of Ryland vs. Conklin; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of E. B. Conklin for the said sum.

*Resolved*, That the sum of two thousand five hundred and eighty-five dollars and five cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John W. Ryland, for the expenses incurred by him in the contested election case of Ryland vs. Conklin; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John W. Ryland for the said sum.

*Resolved*, That the sum of one thousand dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to P. J. Crimmins, for the expenses incurred by him in the contested election case of Williams vs. Crimmins; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of P. J. Crimmins for the said sum.

*Resolved*, That the sum of five hundred dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to W. H. Williams, for the expenses incurred by him in the contested election case of Williams vs. Crimmins; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of W. H. Williams for the said sum.

*Resolved*, That the sum of one thousand dollars be and the same is hereby allowed, and ordered paid out of the Contingent Fund of the Senate to T. H. McDonald, for the expenses incurred by him in the contested election case of Gude vs. McDonald; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of T. H. McDonald for the said sum.

*Resolved*, That the sum of five hundred dollars be and the same is hereby allowed, and ordered paid out of the Contingent Fund of the Senate to H. L. Gude, for the expenses incurred by him in the contested election case of Gude vs. McDonald; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of H. L. Gude for the said sum.

*Resolved*, That the sum of three hundred and sixty dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to Ernest A. Girvin, for services rendered by him in reporting argument and testimony in election cases; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of Ernest A. Girvin for the said sum.

*Resolved*, That the sum of one hundred and forty-four dollars be and is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John Katod, for services rendered by him as Sergeant-at-Arms of the Senate Committee on Elections, from February first, eighteen hundred and eighty-seven, to and including March ninth, eighteen hundred and eighty-seven; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John Katod for the said sum.

T. J. PINDER.  
A. P. HALL.  
J. D. BYRNES.  
M. W. DIXON.  
THOS. J. CLUNIE.

#### MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: A minority of your Committee on Elections, to whom was referred the resolutions to pay contestants' and respondents' expenses in the election cases submitted to such committee, hereby submits the following report:

We believe that it is time for us to give some thought to our obligations to protect the treasury from illegal claims.

The class of claims considered by the committee are not to any extent warranted or directed to be paid by law.

It was asserted that custom made the appropriation for such purposes one requiring the allowance thereof, and the action of Congress of the United States in similar cases was cited as an illustration.

A reference to the laws of Congress will show that section one hundred and thirty of the Revised Statutes expressly prohibits the payment of the same. It reads as follows:

"No payment shall be made by the House of Representatives out of the Contingent Fund, or otherwise, to either party to a contested election case for expenses incurred in prosecuting or defending the same."

Undoubtedly the abuse of the custom that formerly prevailed in Congress led to the enactment of this law. It will be remembered that following the reconstruction period, contests for seats in Congress became rather numerous, and in certain portions of the country, the usual rule. As a result of the liberal feeling that then prevailed in the administration of the financial affairs of the country, exorbitant allowances for expenses and attorneys' fees were the order of the day.

Contests after awhile were instituted in many cases for the mere purpose of making a showing and then get the allowance bestowed, often amounting to a greater sum than the salary of the sitting member. In some cases collusion between the sitting member and contestant was resorted to for the purpose of securing the booty, the contestant never expecting to be seated.

These practices were the outgrowth of the custom which is appealed to to sustain the claims before us. How could it be otherwise when a premium was thus offered? Little wonder that the passage of the law above referred to became a public necessity. Since then contests have materially decreased. The necessity that stared Congress in the face and procured the passage of said law has, of late years, been urging its way to prominence in this State. The liberality of legislators with the funds of the State in such cases, in previous sessions of the Legislature, invited eight contests from the City of San Francisco alone, at this session—not one showing merit sufficient to succeed. Having no law on the subject, a custom has been followed, proper, perhaps, if confined to equitable limits, where actual and necessary disbursements in contests commenced and carried on in good faith, and then only to the winning party, except in very rare cases. To say that this has been greatly abused is to utter a fact substantiated by the record. The conditions that called for the passage of a law by Congress now loudly appeal for a similar law in this State. We hereby recommend that such action be taken at this session, in order to revoke the premium that some people affect to believe has been offered by the State.

As to the right to expect the State to pay either party to a contest, we confess we cannot see why we should be called upon to pay such expenses. In legal proceedings involving the personal and property rights of individuals, no such claim is advanced, and yet the

law equally protects the individual, whether he is contending for his personal rights, or a right supposed to be based on an alleged election to official station.

We admit there might be some equity in making this claim for a sitting member whose seat is contested, but a contestant who fails to make good his allegations certainly cannot expect such favorable consideration.

The position we take is, that no allowance be made for any of these contests.

But, should the Senate believe that a radical departure from a custom which, if allowed to stand, can certainly be expected to bear abundant evidence that it is appreciated by some portion of our State, is not advisable at this time, the minority of said committee suggest that, under no rule which can be sustained by reason or justice should we go beyond the rule adopted in Courts in allowing costs and attorney's fees. We respectfully call your attention to the character of claims which you are now called upon to pay.

In considering the case of Williams vs. Crimmins, it was evident that no change was intended in the personnel of the Senate. In Gude vs. McDonald, more energy was displayed. It is just to say, in this connection, that the Ryland-Conklin contest was made in good faith, and sustained with ability and decorum on both sides.

The following is a synopsis of the claims presented, with our suggestions thereon:

Williams vs. Crimmins, submitted on statement filed, making certain allegations generally "on information and belief." The testimony of a few witnesses was taken. Very little work was done beyond that. A show of a contest was made before the committee, but even the testimony produced there led to no definite conclusion. To allow contestant his bill, or any portion thereof, would be a gross abuse of the so called custom.

#### CLAIM OF MR. WILLIAMS.

The items are as follows:

Cash paid for filing statement .....	\$6 50
Verifications .....	3 50
Certified copies .....	3 00
Printing .....	12 00
Notary fees (Exhibit A) .....	301 70
Justice's fees (Exhibit B) .....	60 00
Shorthand reporter (Exhibit C) .....	34 20
Expressage on papers to Sacramento .....	1 00
Traveling expenses of contestant to Sacramento to attend committee .....	40 00
Serving subpoenas on three witnesses .....	5 00
Mileage and per diem of three witnesses from San Francisco .....	56 40
Incidental expenses .....	100 00
Fees of attorney .....	1,000 00
<b>Total .....</b>	<b>\$1,620 30</b>

The majority of committee recommend the sum of five hundred dollars.

We suggest that if this matter was before a Court for allowance, and a law directed that actual expenses and reasonable attorneys' fees be allowed, the amount recommended by the majority would be far in excess of the sum that could even then be obtained.

#### CLAIM OF MR. CRIMMINS.

B. F. Dougherty, mileage to and from San Francisco, and one day's attendance .....	\$18 80
W. T. Fitzgerald, attendance .....	18 80
D. J. Crowley, attendance .....	18 80
E. Kegan, attendance .....	18 80
Filing petition for writ of prohibition in Superior Court, against H. J. Stafford et al. ....	7 50
Cash paid for serving writ .....	3 00
Cash paid for copying papers .....	7 50
Cash paid for copying answer .....	17 20
Attorneys' fees in prohibition matter .....	100 00
Attorneys' fees in contest .....	750 00
B. F. Dougherty, looking up evidence and investigating whereabouts and character of the alleged illegal voters named by contestant, fifteen days, at five dollars per day .....	75 00
E. Kegan, looking up evidence and investigating whereabouts and character of the alleged illegal voters named by contestant, fifteen days, at five dollars per day .....	75 00
W. T. Fitzgerald, looking up evidence and investigating whereabouts and character of the alleged illegal voters named by contestant, seven days, at five dollars per day .....	35 00
<b>Total .....</b>	<b>\$1,145 40</b>

Majority of committee allow the sum of one thousand dollars.



A Court, as heretofore suggested, would not allow the following items:

Filing petition for writ of prohibition .....	\$7 50
Copying papers therein .....	7 50
Cash paid for serving writ .....	3 00
Cash paid for copying answer .....	17 20
Attorney's fee in prohibition case .....	100 00
Dougherty, Kegan, and Fitzgerald's claim, hunting evidence .....	185 00

For the work done by the attorney, three hundred dollars is ample.

Two of the witnesses, for whom charges are made, did not appear before committee; the amount charged being thirty-seven dollars and sixty cents.

Judged by this rule, Mr. Crimmins' claim should be reduced to three hundred and thirty-seven dollars and sixty cents.

Gude vs. McDonald. In this proceeding, a statement was filed with the Registrar, and upon stipulation no evidence was taken. At the hearing, it was determined that no testimony be taken, because the contest was not filed in time.

#### MR. GUDE'S CLAIM.

Shorthand reporter .....	\$40 00
Six witnesses, for three days' attendance—not called, on account of stipulation .....	36 00
Expenses of Mr. Gude, for witnesses and counsel to Sacramento and return .....	90 00
Counsel fees .....	750 00
Total .....	\$916 00

Majority of committee allow five hundred dollars.

Under the rule above suggested, no Court would allow for a reporter, as no testimony was taken; for no witnesses, as none were sworn, unless it was shown they were duly subpoenaed, which showing has not been made herein.

Expenses to Sacramento would certainly be excluded; and as to counsel fees, two hundred dollars would be a big figure for the work done in the matter.

Following the recommendation submitted in relation to Mr. Williams' account, we say nothing should be allowed Mr. Gude.

#### CLAIM OF MR. McDONALD.

Four trips of respondent to San Francisco and return, car fare and mileage from Sacramento, sixteen dollars and eighty cents each trip .....	\$67 20
Incidental expenses, ten dollars each trip .....	40 00
Expense of witness B. H. Kelley, kept at Sacramento for case .....	9 25
Expense of witness A. Buckley, kept at Sacramento for case .....	20 00
Attorney's fees .....	750 00
To expenses of attorney's fare to and from San Francisco to attend case .....	113 55
Total .....	\$1,000 00

Allowed in full by majority of committee.

The only charge which should be considered is this bill is the attorney's fee. Three hundred dollars is sufficient for the work done.

Ryland vs. Conklin. This contest involved great labor and must have consumed considerable time. The questions involved were of a legal nature, and there appeared to be merit in the claims of contestant.

#### CLAIM OF MR. CONKLIN.

Harrington & Willeg's fees, taking depositions .....	\$104 00
A. V. Whitton, Notary Public, depositions .....	59 90
Witness fees, P. Gately .....	2 25
Witness fees, P. Ireland .....	2 60
Witness fees, A. Anderson .....	2 00
J. McKinzie, examination of poll lists .....	16 00
J. C. Black, attorney's fees .....	1,000 00
J. C. Black, railroad fare to Sacramento .....	6 60
J. C. Black, hotel bill in Sacramento .....	20 00
J. C. Black, printing brief .....	16 00
D. W. Burchard, attorney's fees .....	500 00
D. W. Burchard, hotel bill in Sacramento .....	20 00
D. W. Burchard, railroad fare (two trips) .....	13 20
Fee for filing papers .....	7 00
Ten days' time, including traveling and other expenses in attendance at taking testimony, finding witnesses, and procuring their attendance .....	50 00
Total .....	\$1,818 95

Allowed by majority of committee.

Under the rule heretofore referred to, the following might be expected to be the order of the Court:

Disallowed -The claim of McKinzie .....	\$16 00
Also, of Mr. Black's railroad fare and hotel bill.....	26 60
Also, of Mr. Burchard, for same.....	33 20
Also, item of fifty dollars for expenses.....	50 00
Also, attorney's fees to the amount of .....	700 00
Total amount of reduction .....	\$825 80
Amount to be allowed.....	\$993 15

## CLAIM OF MR. RYLAND.

Attorney fees .....	\$1,500 00
Expense of attorney, three trips to Sacramento and return, and hotel bill.....	97 50
Clerk's fees.....	10 00
Sheriff fees.....	4 45
Commissioners Willey and Hovington, fees, taking testimony.....	172 60
Notary fees, taking testimony.....	193 75
Notary Whitton's fees, taking testimony.....	150 00
John T. Barry, service of subpoenas, forty witnesses.....	40 00
John T. Barry, mileage, serving same, two hundred and twenty-five miles .....	67 50
John D. Mack, service in endeavor to procure attendance of one Victor Elmes.....	52 50
Judge B. E. Burns, service in Mt. View and Mayfield precincts.....	35 50
Tom C. Barry, livery hire.....	12 50
N. Bowden—	
Notary fees, nine affidavits.....	\$4 50
Telegraphing.....	4 70
Certified copy of conviction of I. T. Taylor.....	3 75
	12 95
Witness fees and mileage.....	235 86
	\$2,585 05

Allowed by majority of committee.

Under rule above referred to the following items should be stricken out:

Expense of attorney, three trips to Sacramento.....	\$97 50
Mack's bill.....	52 50
Judge Burns' bill.....	35 50
Tom C. Barry's bill.....	12 50
Telegraphing .....	4 50
Reduce attorney's fee.....	700 00

Total amount of reduction.....	\$902 50
Original claim.....	2,585 05

Balance .....

\$1,682 55

Respectfully submitted.

A. CAMINETTI,  
B. V. SARGENT,  
Minority Election Committee.

## ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed Senate Bill No. 446—An Act to appropriate money to meet the contingent expenses of the Senate for its twenty-seventh session.

Also, passed Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 294—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to corporations.

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum.

Also, Senate Constitutional Amendment No. 7—To propose to the people of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department.

Also, the following Bills, viz.:

Senate Bill No. 343—An Act to add two new sections to the Political Code, to be known and numbered as sections three thousand two hundred and three thousand two hundred and one, relating to trademarks, the use and adoption of the same, and the person who and the manner by which said trademark and the rights thereunder may be protected.

Senate Bill No. 449—An Act to appropriate money for salaries of additional clerks in the Controller's office.

Senate Bill No. 54—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and thirty-nine, relating to the salaries of officers connected with the Supreme Court.

Senate Bill No. 56—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, of Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of real estate of decedents.

Also, Assembly Bill No. 123—An Act to authorize certified copies of surveys, maps, or plats, of subdivided tracts of land, to be recorded in the office of the County Recorder, and to regulate and designate the penalty inflicted upon failure to record such, said Act being substituted for section one thousand one hundred and sixty-three of the Civil Code. Said section was repealed July 1, 1874.

Also, passed Assembly Bill No. 247—An Act to create an irrigation, drainage, and water rights legislation commission, to define its powers and duties, and to provide for payment of its cost and expenses.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bills Nos. 164, 294, and 50, Senate Constitutional Amendment No. 7, Senate Bills Nos. 343, 449, 54, and 56, severally ordered to enrollment.

Assembly Bills Nos. 127, 123, and 247, were severally ordered on file.

Senate Bill No. 446—An Act to appropriate money to meet the contingent expenses of the Senate, for its twenty-seventh session.

Assembly amendment to section one, as follows: by striking out the words "to meet the contingent expenses" and inserting the words "to pay officers and clerks."

Concurred in.

Also, amend title, so as to read "for the pay of officers and clerks."  
Concurred in.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 330—An Act to ascertain the loss and damages suffered and sustained by the Coulterville and Yosemite Turnpike Company, a corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Assembly amendment to Senate Bill No. 330.

Amend, by striking out of section four, all of line two, up to the words "for the purposes."

Concurred in, and ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed Messrs. Cooley, Venable, and Rucker as a committee on behalf of the Assembly, to meet a like committee from the Senate, heretofore appointed, for the purpose of determining the time of adjournment sine die of the twenty-seventh session of the Legislature; and the conference committee heretofore appointed, having been unable to agree upon the disagreements existing between the Senate and Assembly upon Senate amendments to Assembly Bill No. 13—"An Act to repeal section twelve, and to amend sections twenty-one and twenty-five of an Act to define, regulate, and govern the State Prisons of California, approved April 15, 1880, relating to the employment of convicts, and the sale of prison products"—Messrs. Davis, McGowan, and McDonnell were appointed a Committee of Free Conference, to act with a like committee, which the Assembly asks to be appointed by the Senate.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 124—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, and six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 35—An Act for the better protection of settlers on the public lands of the United States within the State of California, and for the protection and encouragement of persons desirous of settling thereon.

Also, concurred in Senate amendment to Assembly Bill No. 118—An Act to amend section three thousand seven hundred and sixty-eight of the Political Code of the State of California, relating to the time and place where sales of property for delinquent taxes shall be held.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, respectfully refused to adopt the resolution of the Joint Committee of the Senate and Assembly, relative to adjournment sine die of the twenty-seventh session of the California Legislature, on Friday, March eleventh, eighteen hundred and eighty-seven, at one o'clock p. m.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and adopted as amended, Senate Concurrent Resolution, relative to adjournment sine die of the twenty-seventh session of the Legislature on Friday, March eleventh, eighteen hundred and eighty-seven, at twelve o'clock midnight.

The Assembly amendment to said resolution, fixing the date at twelve o'clock noon, on Saturday, March twelfth, eighteen hundred and eighty-seven.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Adopted.

ADJOURNMENT.

At twelve o'clock midnight, upon motion of Mr. Wilson, the Senate adjourned until Friday, at one o'clock and thirty minutes p. m.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 11, 1887. }

Senate met pursuant to adjournment.  
President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, Moffitt, Murphy, Pinder, Roth, Steele, Sullivan, Vrooman, Walrath, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

Reading of Journal of yesterday postponed until this evening, at seven o'clock and thirty minutes.



Mr. Wilson offered the following resolution:

*Resolved*, That the sums of money voted by the Senate to pay the expenses of the election contests of Messrs. Conklin, Ryland, Crimmins, Williams, McDonald, and Gude, be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Wilson offered the following resolution:

WHEREAS, The Governor's Message and the Appendix thereto—both very voluminous communications, are yet to be journalized, and the office of the Journal Clerk has been overcrowded with work since the holding of evening sessions; and whereas, it will require ten or twelve days after the adjournment of this body to complete the Journal; therefore, be it

*Resolved*, That the Journal Clerk of the Senate and his assistants be and they are hereby allowed the sum of seventy-five dollars (\$75) each, for extra services, and that the Controller be and he is hereby directed to draw his warrant for the same, payable out of the Officers' Fund of the Senate, and the Treasurer is hereby instructed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

#### MOTION.

Mr. Hinshaw moved to take up, out of order, and read, Assembly Bill No. 41.

So ordered.

Assembly Bill No. 41—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, of Part III, of an Act of the Legislature of the State of California, entitled an Act to establish a Political Code," approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways, approved February 28, 1883, by adding a new section thereto, to be numbered section two thousand six hundred and forty-six.

Read third time, and passed, as amended, by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McQudden, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Vrooman, Walrath, White, and Wilson—26.

NOES—Mr. Conklin—1.

Title read and approved.

#### LEAVE OF ABSENCE.

Senator Briceland was granted indefinite leave of absence.

#### SPECIAL FILE—THIRD READING.

Senate Bill No. 186—An Act to amend sections six, eight, nine, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add four new sections to said Act, to be known as sections thirteen, fourteen, fifteen, and seven, and to repeal section seven of said Act.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Sargent, Steele, Vrooman, Walrath, White, and Wilson—27.  
 NOES—None.

Title read and approved.

#### MOTION.

Mr. White moved to transmit Senate Bill No. 186 to the Assembly immediately.

So ordered.

Mr. Sargent moved to take up Assembly Bill No. 1.

Mr. Murphy objected, and raised the point of order that, the bill having not been printed with the accompanying, the bill could not be taken up.

Messrs. Wilson, Abbott, and Gesford demanded the roll call on Mr. Sargent's motion, which was lost by the following vote:

AYES—Messrs. Abbott, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Sargent, Steele, and White—17.  
 NOES—Messrs. Byrnes, Crimmins, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, Sullivan, Vrooman, Walrath, and Wilson—14.

Assembly Bill No. 14—An Act to eradicate glanders and farcy, a disease among horses and other animals, and to empower the several County Boards of Supervisors of this State to create the office of County Veterinary Surgeon, and to provide for his compensation, and to define his powers and duties.

Read first time.

#### RESOLUTION.

Mr. Jones introduced the following resolution:

*Resolved*, That Assembly Bill No. 14 presents a case of urgency, as that word is used in section fifteen, of Article IV, and the provision of that section, requiring the bill to be read on three several days, is hereby dispensed with, and it is ordered that said bill be now read the second and third times, and placed upon final passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dixon, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—28.

NOES—Messrs. Crandall, Dray, Meany, and Pinder—4.

Assembly Bill No. 14 read second time, and committee amendments considered, as follows:

Strike out the word "shall," on line two from the bottom of page one.

Adopted.

Also, insert, after the word "petition," on line two from bottom of page one, the words "may in its discretion."

Adopted.

The bill, as amended, was ordered printed.

Mr. Boggs moved to take up Assembly Bill No. 348.

So ordered.

Assembly Bill No. 348—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-

three, and three thousand four hundred and fifty-four of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation in reclamation districts of this State.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Mr. Pinder moved to indefinitely postpone the consideration of Assembly Bill No. 199.

So ordered.

Mr. Meany moved to transmit Assembly Bill No. 199 to the Assembly forthwith.

So ordered.

#### GENERAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 59—An Act to pay the claim of Edward J. Smith.  
Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Pinder, Roth, Spellacy, Steele, and Sullivan—24.

NOES—Messrs. Abbott, Vrooman, Walrath, White, and Yell—5.

Title read and approved.

Assembly Bill No. 58—An Act to pay the claim of Jessie A. Galland.  
Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Roth, Spellacy, Steele, and Sullivan—24.

NOES—Messrs. Abbott, Vrooman, Walrath, White, and Yell—5.

Title read and approved.

Assembly Bill No. 57—An Act to pay the claim of J. F. Gawthorne.  
Read third time, and passed by the following vote:

AYES—Messrs. Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, and Yell—25.

NOES—Messrs. Abbott, Dray, Hinshaw, Vrooman, Walrath, and White—6.

Title read and approved.

Mr. Meany moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White.

Mr. White moved to dispense with further proceedings under the call of the Senate.

So ordered.

Mr. Meany moved to transmit Assembly Bills Nos. 59, 58, and 57 to the Assembly forthwith.

So ordered.

Mr. Dray moved to now take up Assembly Bill No. 1.

Mr. Moffitt raised a point of order, that the motion had not received a three-fifths vote, and could not be entertained by the Senate.

The Chair ruled the point of order not well taken.

Mr. Pinder appealed from the decision of the Chair.

Mr. Gesford moved a call of the Senate.

Lost.

The roll was called on Mr. Pinder's appeal, and appeal sustained by the following vote:

AYES—Messrs. Abbott, Caminetti, Chandler, Dixon, Dray, Gesford, Hall, Hinshaw, Jones, Langford, and McCudden—11.

NOES—Messrs. Byrnes, Conklin, Crandall, Crummins, Goucher, Haynes, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—21.

Mr. Abbott moved to take a recess.

Lost.

#### REPORT OF FREE CONFERENCE COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: Your Committee of Free Conference, to whom was referred Assembly Bill No. 13, respectfully report that no amendments to said bill can be agreed upon with the like committee from the Assembly, the question of difference being the time during which the sash and door department have continued in operation, and character of work at Folsom—report that no further action be had in the matter.

JONES, Chairman.

Adopted.

#### ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 453—An Act appropriating money to meet the contingent expenses of the Senate, for its twenty-seventh session.

Also, passed Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of Part IV, of Division II, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and to reserve from the operation of said repeal, rights already vested.

Also, the following Bills, viz.:

Assembly Bill No. 4—An Act to repeal an Act entitled "An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns," approved March 9, 1883.

Senate Bill No. 274—An Act making appropriations for the erection of buildings and for other improvements at the State Prison at San Quentin.

Assembly Bill No. 475—An Act to appropriate money to pay the claim of William Saunders, for advertising certain swamp and overflowed lands, under direction of the Surveyor-General, in eighteen hundred and seventy-five.

Senate Bill No. 450—An Act to pay the officers and men of the Second Brigade, National Guard of California, for guard duty performed by them in obedience to the orders of the Governor as Commander-in-Chief, from December nineteenth, eighteen hundred and eighty-six, to January twenty-first, eighteen hundred and eighty-seven, both days inclusive.

Senate Bill No. 347—An Act to pay the claim of J. W. Rock for the construction of a steam launch.

Senate Bill No. 357—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year.

Senate Bill No. 422—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year.

Senate Bill No. 422—An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.



Senate Bill No. 70—An Act to establish an Asylum for Insane Criminals of the State of California.

Senate Bill No. 425—An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant, commanding Company "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company.

Assembly Bill No. 351—An Act to provide for the deficiency in the appropriation for the expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-seventh fiscal year.

Assembly Bill No. 206—An Act making an appropriation for deficiency in fund for printing the school text-books, for thirty-eighth fiscal year.

Assembly Bill No. 354—An Act to provide for the deficiency in the appropriation for costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year.

Assembly Bill No. 355—An Act to provide for the deficiency in the appropriation for contingent expenses in the office of Surveyor-General, for the thirty-sixth fiscal year.

Assembly Bill No. 356—An Act to provide for the deficiency in the appropriation for the cleaning and transportation of arms for the National Guard of California, for the thirty-fourth fiscal year.

Assembly Bill No. 357—An Act to provide for the deficiency in the appropriation for postage, expressage, etc., of the Surveyor-General, for the thirty-fifth fiscal year.

Assembly Bill No. 358—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Adjutant-General, for the thirty-fifth fiscal year.

Assembly Bill No. 359—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-fifth fiscal year.

Assembly Bill No. 368—An Act to provide for the deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction, for the thirty-fifth fiscal year.

Assembly Bill No. 369—An Act to provide for the deficiency in the appropriation for traveling expenses of the Attorney-General, for the thirty-fifth fiscal year.

Assembly Bill No. 360—An Act to provide for the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics, for the thirty-sixth fiscal year.

Assembly Bill No. 361—An Act to provide for the deficiency in the appropriation for the contingent expenses in the office of the Secretary of State, for the thirty-sixth fiscal year.

Assembly Bill No. 377—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-seventh fiscal year.

Assembly Bill No. 380—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-sixth fiscal year.

Assembly Bill No. 378—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-seventh fiscal year.

Assembly Bill No. 379—An Act to provide for the deficiency in the appropriation for the payment of rewards for arresting criminals without the limits of the State, for the thirty-fifth fiscal year.

Assembly Bill No. 374—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-second fiscal year.

Assembly Bill No. 375—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-fifth fiscal year.

Assembly Bill No. 372—An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-fifth fiscal year.

Assembly Bill No. 373—An Act to provide for the deficiency in the appropriation for the transportation of insane, for the thirty-first fiscal year.

Assembly Bill No. 365—An Act to provide for the deficiency in the appropriation for the uses of the State Board of Viticulture, for the thirty-seventh fiscal year.

Assembly Bill No. 366—An Act to provide for the deficiency in the appropriation for the contingent expenses of the office of the Surveyor-General, for the thirty-seventh fiscal year.

Assembly Bill No. 364—An Act to provide for the deficiency in the appropriation for the erection and maintenance of the State Salmon Hatchery, for the thirty-seventh fiscal year.

Assembly Bill No. 362—An Act to provide for the deficiency in the appropriation for the uses of the State Board of Silk Culture, for the thirty-sixth fiscal year.

Senate Bill No. 448—An Act to appropriate the sum of five thousand dollars to pay the expenses and disbursements to be incurred and made in maintaining the rights of the State in litigation now pending in, or which may come before, the Supreme Court of the United States, to which the State is or shall be a party, on the determination of which this State is or shall be interested.

Senate Bill No. 41—An Act to encourage tree planting within the State of California.

Senate Bill No. 245—An Act to amend an Act entitled "An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof," approved March 18, 1885, in relation to the salary of officers.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 3 ordered to enrollment.  
Senate Bill No. 274 ordered to enrollment.  
Senate Bill No. 70 ordered to enrollment.  
Senate Bill No. 425 ordered to enrollment.

Assembly Bill No. 4 ordered on file.  
Assembly Bill No. 351 ordered on file.  
Assembly Bill No. 206 ordered on file.  
Assembly Bill No. 354 ordered on file.  
Assembly Bill No. 355 ordered on file.  
Assembly Bill No. 356 ordered on file.  
Assembly Bill No. 357 ordered on file.  
Assembly Bill No. 358 ordered on file.  
Assembly Bill No. 359 ordered on file.  
Assembly Bill No. 368 ordered on file.  
Assembly Bill No. 369 ordered on file.  
Assembly Bill No. 360 ordered on file.  
Assembly Bill No. 361 ordered on file.  
Assembly Bill No. 377 ordered on file.  
Assembly Bill No. 380 ordered on file.  
Assembly Bill No. 378 ordered on file.  
Assembly Bill No. 379 ordered on file.  
Assembly Bill No. 374 ordered on file.  
Assembly Bill No. 375 ordered on file.  
Assembly Bill No. 372 ordered on file.  
Assembly Bill No. 365 ordered on file.  
Assembly Bill No. 366 ordered on file.  
Assembly Bill No. 364 ordered on file.  
Assembly Bill No. 362 ordered on file.  
Assembly Bill No. 475 ordered on file.

Senate Bills Nos. 422, 310, 450, 347, 357, 448, and 265 severally ordered to enrollment.

#### RESOLUTIONS.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 351—An Act to provide for the deficiency in the appropriation for the expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-seventh fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and that the provisions of that section, requiring that the bill be read upon three several days, be dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moditt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—33.

NOES—None.

The bill was passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—32.

NOES—None.

Title read and approved.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 206—An Act making an appropriation for deficiency in fund for printing the school text-books, for thirty-eighth fiscal year—presents a case of urgency, as contemplated by section fifteen, of Article IV, Constitution of California, and that the provisions of said section requiring bills to be read on three several days be dispensed with, and that said bill be read this day for the first, second, and third times, and put upon its final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Steele, Sullivan, Vrooman, Walrath, White, and Yell—29.

NOES—None.

The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.

NOES—None.

Title read and approved.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 354—An Act to provide for the deficiency in the appropriation for costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White, and Yell—31.

NOES—None.

The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCudden, Meany, Murphy, Pinder, Roth, Steele, Sullivan, Vrooman, White, Wilson, and Yell—26.

NOES—Mr. Sargent—1.

Title read and approved.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 355—An Act to provide for the deficiency in the appropriation for contingent expenses in the office of Surveyor-General, for the thirty-sixth fiscal year—presents a case of urgency, as that term is used in section fifteen, Article IV, of the Constitution, and provision of said section requiring that said bill shall be read on

three several days, is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—28.

NOES—Mr. Sargent—1.

The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, Moffitt, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, White, and Wilson—26.

NOES—None.

Title read and approved.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 356—An Act to provide for the deficiency in the appropriation for the cleaning and transportation of arms for the National Guard of California, for the thirty-fourth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that the bill be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Steele, Sullivan, Vrooman, and White—28.

NOES—None.

The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, Steele, Sullivan, Vrooman, White, Wilson, and Yell—30.

NOES—Mr. Roth—1.

Title read and approved.

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 357—An Act to provide for the deficiency in the appropriation for postage, expressage, etc., of the Surveyor-General, for the thirty-fifth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and that the provision of that section requiring that the bill be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon its final passage.

Resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—30.

NOES—None.



The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Meany, Moffitt, Roth, Spellacy, Steele, Sullivan, Vrooman, Walrath, and Wilson—25.

NOES—None.

Title read and approved.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 358—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Adjutant-General for the thirty-fifth fiscal year—presents a case of urgency, as the term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

Resolution adopted by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Spellacy, Sullivan, Vrooman, Walrath, and Wilson—27.

NOES—None.

Assembly Bill No. 358 read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Pinder, Spellacy, Sullivan, Vrooman, and Wilson—25.

NOES—None.

Title read and approved.

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 359—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-fifth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section, requiring that said bill shall be read on three several days, is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Vrooman, Walrath, and Wilson—27.

NOES—None.

The bill was read first, second, and third times, and passed by the following vote:

AYES—Messrs. Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Murphy, Pinder, Roth, Sargent, Spellacy, Vrooman, Walrath, and Wilson—24.

NOES—None.

Title read and approved.

Mr. Gesford in the chair.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 368—An Act to provide for the deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction, for the thirty-fifth fiscal year—presents a case of urgency, as the term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read first, second, and third times, and placed upon its final passage.

**Resolution adopted by the following vote:**

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, and Wilson—27.  
 NOES—None.

The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Byrnes, Caminetti, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, and Wilson—24.  
 NOES—Mr. Sargent—1.

Title read and approved.  
**Resolution by Mr. Vrooman:**

*Resolved*, That Assembly Bill No. 369—An Act to provide for the deficiency in the appropriation for traveling expenses of the Attorney-General, for the thirty-fifth fiscal year, presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—29.  
 NOES—None.

The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Spellacy, Walrath, White, Wilson, and Yell—24.  
 NOES—Mr. Sargent—1.

Title read and approved.  
**Resolution by Mr. Vrooman:**

*Resolved*, That Assembly Bill No. 361—An Act to provide for the deficiency in the appropriation for the contingent expenses in the office of the Secretary of State, for the thirty-sixth fiscal year—presents a case of urgency, as the term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

**Resolution adopted by the following vote:**

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Spellacy, Sullivan, Walrath, White, Wilson, and Yell—28.  
 NOES—Mr. Sargent—1.

The bill was read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Sullivan, Walrath, White, and Yell—30.

NOES—None.

Title read and approved.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 377—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-seventh fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Sargent, Spellacy, Sullivan, Walrath, White, Wilson, and Yell—29.

NOES—None.

The bill was read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Chandler, Conklin, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Murphy, Sullivan, Vrooman, White, Wilson, and Yell—21.

NOES—None.

Title read and approved.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 380—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-sixth fiscal year—presents a case of urgency, as the term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon its final passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Murphy, Pinder, Spellacy, Sullivan, Vrooman, Walrath, White, and Yell—27.

NOES—None.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Sullivan, Vrooman, White, and Yell—25.

NOES—None.

Title read and approved.

Mr. Vrooman offered the following resolution:

*Resolved*, That Assembly Bill No. 378—An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the

State, for the thirty-seventh fiscal year—presents a case of urgency, as that term is used in section fifteen, Article IV, of the Constitution, and provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Patterson, Pinder, Roth, Spellacy, Sullivan, Vrooman, Walrath, White, and Wilson—27.

NOES—None.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Walrath, and White—26.

NOES—None.

Title read and approved.

Mr. Gesford moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White.

Mr. Vrooman moved that further proceedings under the call be dispensed with.

So ordered.

Mr. Yell offered a resolution, proposing an amendment to the Constitution, as follows:

#### SENATE CONSTITUTIONAL AMENDMENT No. 2.

Constitutional amendment to propose to the people of the State an amendment to the Constitution of the State, relative to the Judiciary Department.

*Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections two and three, of Article VI, of the Constitution of said State, be amended so as to read as follows:*

Section 2. The Supreme Court shall consist of seven Justices. The Associate Justices of the Supreme Court, in office at the time of the adoption of this amendment to the Constitution, are hereby continued in office as Justices of the Supreme Court for the remainder of the term to which they were respectively elected. The Justices shall elect one of their number to be Chief Justice, and he shall hold the office of Chief Justice of said Court for a term of two years. At the expiration of the term of the Chief Justice first elected, and every two years thereafter, the Justices shall elect a Chief Justice for a like term of two years. An entry of the election of such Chief Justice shall be made in the minutes of the Court and signed by four Justices. Whenever thereafter a vacancy occurs in the office of Chief Justice, a like election shall be had to fill such office for the unexpired term. The Supreme Court may sit in departments or in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Justices to each department, and such assignment may be changed by him from time to time. The Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in bank. The presence of three Justices shall be necessary to transact any business in either of the



departments, except such as may be done at chambers, and the concurrence of two Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when so convened. The concurrence of four Justices present at the argument shall be necessary to pronounce a judgment in bank; but if four Justices, so present, do not concur in a judgment, then all the Justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four Judges shall be necessary. In the determination of causes all decisions of the Court in bank, or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the Justices assigned to each department shall select one of their number as presiding Justice. In case of the absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act. The Supreme Court Commission, created by the Act of the Legislature, approved March twelfth, eighteen hundred and eighty-five, shall continue and be a Supreme Court Commission for four years after the adoption of this amendment. Said Commission may be continued for such time thereafter as may be fixed by an Act passed by a vote of two thirds of the elected members of each House of the Legislature, and approved by the Governor. The members thereof and Secretary shall be appointed as in said Act provided; and such Commissioners shall be subject to removal in like manner as Judges of the Supreme Court. Said Commission shall have the same power to hear and determine causes possessed by a department of the Supreme Court; and causes may be assigned to the Commission in the same manner they are assigned to a department, and after decision they may be ordered heard in bank in the same way and with like restrictions as if decided in department. The judgments of the Commission shall be entered as the judgments of the Court. The Commission shall sit at such times and places as may be designated by the Court, but such Commissioners shall not exercise any judicial functions except when assembled as a Commission, and then they shall only have power to hear and determine such causes as may have been assigned to them.

Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at large, at the general State elections and the times and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election. Three Justices shall be elected for the full term at the general State election held in eighteen hundred and ninety; and at the general election held every fourth year thereafter, two Justices shall be elected for full terms of twelve years, except that in every twelfth year thereafter three Justices shall be elected for full terms. If the Chief Justice, or any Justice, becomes permanently disqualified, either mentally or physically, to perform the duties of his office, and such fact is certified to the Governor by five Justices, one of whom may be the Chief Justice in case of the disability of a Justice, the office of such disqualified person becomes immediately vacant, and he shall be paid a retiring salary of two hundred and fifty (250) dollars per month for the remainder of his term. If a vacancy exist or occur in the office of a Justice, the Governor shall appoint a person to hold the office for the remainder of the unexpired term. The Governor shall appoint a Justice to hold office as Justice for the unexpired term of the late Chief Justice.

Read and adopted (two thirds of the members elected to the Senate voting therefor) by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.

NOES—None.

### Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 379—An Act to provide for the deficiency in the appropriation for the payment of rewards for arresting criminals without the limits of the State, for the thirty-fifth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section, requiring that

said bill shall be read on three several days, is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.

NOES—None.

The bill was read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—27.

NOES—None.

Title read and approved.

#### GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 11, 1887. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 10—Entitled an Act to amend section six hundred and ninety of an Act entitled an Act to establish a Code of Civil Procedure, by adding a new article exempting fishing boats and nets from execution.

Also, Senate Bill No. 67—Entitled an Act to amend section three thousand two hundred and forty-four of the Political Code, and to add five new sections thereto, to be numbered three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, and three thousand two hundred and fifty.

WASHINGTON BARTLETT, Governor.

#### REPORT OF STANDING COMMITTEE.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 446—An Act to appropriate money to meet the contingent expenses of the Senate for its twenty-seventh session.

Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor.

Senate Bill No. 149—An Act to appropriate money for salaries of additional clerks in the Controller's office.

Senate Bill No. 54—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and thirty-nine, relating to the salaries of officers connected with the Supreme Court.

Senate Bill No. 144—An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes, and to appropriate money therefor.

Senate Bill No. 160—An Act to amend section nine of an Act entitled "An Act for the promotion of the viticultural industries of the State," approved April 15, 1880, in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof.

Senate Bill No. 157—An Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and thirty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Senate Bill No. 61—An Act making an appropriation for the deficiency in the appropriation for rent and contingent expenses of Insurance Commissioner, for the thirty-seventh fiscal year.

Senate Bill No. 116—An Act to add section five hundred and thirty-nine to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy.

Senate Bill No. 191—An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other explosives.

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum.

Also, Senate Bill No. 249—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to corporations.

Also, Senate Bill No. 343—An Act to add two new sections to the Political Code, to be known and numbered as sections three thousand two hundred and three thousand two hundred and one, relating to trademarks, the use and adoption of the same, and the person who and the manner by which said trademark and the rights thereunder may be protected.

Also, Senate Bill No. 330—An Act to ascertain the loss and damage suffered and sustained by the Coulterville and Yosemite Turnpike Company, a corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.

#### RECESS.

At four o'clock and fifty minutes P. M., on motion of Mr. Jones, the Senate took a recess until seven o'clock and thirty minutes P. M.

#### REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled.  
President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

MESSES. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Pinder, Roth, Sargent, Sullivan, Vrooman, Walrath, White, and Wilson.

Quorum present.

#### PROTEST.

SACRAMENTO, CALIFORNIA, March 11, 1887.

WHEREAS, Assembly Bill No. 521—Entitled "An Act relating to the dissolution and modification of injunctions, and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure," having previously been passed by the Assembly, came up in the Senate regularly for consideration, on Wednesday, March ninth, eighteen hundred and eighty-seven, and, after amendment, was passed by a sufficient number of votes under the Constitution; and whereas, said bill, after its passage as aforesaid, was held in the Senate on said day a considerable time, and until a Senator requested, without objection, that the said bill be transmitted to the Assembly, as has been customary to be done with other bills heretofore passed; and whereas, thereupon said bill was regularly transmitted to the Assembly before any notice of motion to reconsider the vote whereby said bill was passed by the Senate was given; and whereas, on Thursday, March tenth, eighteen hundred and eighty-seven, the Assembly duly concurred in the amendments made to said bill by the Senate; and whereas, on said Thursday, March tenth, eighteen hundred and eighty-seven, that being the day following the day on which said bill was passed, and therefore the only day on which a motion to reconsider could be effectively made under the rules of the Senate, no motion to reconsider the vote whereby said bill passed the Senate was made; and, therefore,

We, the undersigned, Senators of California, respectfully protest against the statements and conclusions set forth in a document presented to the Senate, and entered upon the Journal of Thursday, March eleventh, eighteen hundred and eighty-seven, over the signa-

tures of B. V. Sargent, Geo. Steele, John J. Sullivan, and others, wherein said Bill No. 521 is referred to at length. And your protestants respectfully request that this, their protest, be entered upon the Senate Journal.

GEO. G. GOUCHER.  
A. J. MEANY.  
JAS. D. BYRNES.  
A. WALRATH.  
A. P. HALL.  
A. CAMINETTI.  
FRANK J. MOFFITT.  
A. F. JONES.  
ARCHIBALD YELL.  
J. P. ABBOTT.

Mr. Caminetti moved to introduce a bill, out of order.

Mr. Crandall objected.

Mr. Caminetti called for the ayes and noes, and the Senate refused the introduction of the bill by the following vote:

AYES—Messrs. Abbott, Caminetti, Chandler, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Moffitt, Roth, Steele, Vrooman, Walrath, and White—19.

NOES—Messrs. Conklin, Crandall, Lenahan, McCarthy, McDonald, Murphy, and Sullivan—7.

Mr. Jones moved to take up Assembly Bill No. 14 and read it the third time.

So ordered.

Assembly Bill No. 14—An Act to eradicate glanders and farcy, a disease among horses and other animals, and to empower the several County Boards of Supervisors of this State to create the office of County Veterinary Surgeon, and to provide for his compensation, and define his powers and duties.

Read third time, and passed by the following vote:

AYES—Messrs. Byrnes, Caminetti, Chandler, Conklin, Dixon, Gesford, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, and Walrath—22.

NOES—Messrs. Abbott, Crandall, Dray, Hall, and Vrooman—5.

Title read and approved.

Mr. Jones moved to transmit the Assembly Bill to the Assembly immediately.

So ordered.

#### REPORT OF STANDING COMMITTEE.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 56. Entitled an Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, of Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents.

Also, Senate Bill No. 453. An Act appropriating money to meet the contingent expenses of the Senate for its twenty-seventh session.

Also, Senate Constitutional Amendment No. 7.—To propose to the people of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.



## RESOLUTION.

By Mr. White:

*Resolved*, That Assembly Bill No. 329 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the second and third times.

Read second time, and amended by Mr. White: amend Assembly Bill No. 329 as follows, by striking out from title the following words, to wit: "and to amend section four hundred and thirteen."

Adopted.

Also, strike out section two, page two, being seven lines at the top of said page.

Adopted.

Also, strike out figure "3," after "section," in line eight, page two, printed bill, and insert, in lieu thereof, the figure "2."

Adopted.

Also, strike out figure "4," last section, and insert, in lieu thereof, the figure "3."

Adopted.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, and White—27.

NOES—None.

The bill, so amended, was ordered to a third reading.

Assembly Bill No. 329—An Act to add a new section, to be numbered four hundred and twenty-five, to, and to amend section four hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to increasing police force of State Capitol grounds.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—31.

NOES—None.

Title read and approved.

## ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 199—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending section one thousand and forty-six thereof, relating to forming juries in criminal causes.

Also passed the following Bills, viz.:

Assembly Bill No. 329—An Act to add a new section, to be numbered four hundred and twenty-five, to, and to amend section four hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to increasing police force of State Capitol grounds.

Assembly Bill No. 303—An Act to amend section three hundred and seventy-eight of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the preservation of the public health and safety, and registration of births, deaths, and marriages.

Assembly Bill No. 305—An Act to amend section three thousand and eighty-four of an

Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Assembly Bill No. 304—An Act to amend section three thousand and sixty-two of, and to add a new section to, an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to Boards of Health.

Also, concurred in Senate amendments to Assembly Bill No. 41—An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by adding a new section thereto, to be known and numbered as section two thousand six hundred and forty-six, relating to roads and highways.

Also, concurred in Senate amendments to Assembly Bill No. 348—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, and three thousand four hundred and fifty-four of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation, in reclamation districts of this State.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 329 passed.  
Assembly Bill No. 303 ordered on file.  
Assembly Bill No. 305 ordered on file.  
Assembly Bill No. 304 ordered on file.

#### RESOLUTIONS.

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 374—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-second fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, and Walrath—27.

NOES—None.

Bill read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, and White—29.

NOES—None.

Title read and approved.

Also:

*Resolved*, That Assembly Bill No. 375—An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-fifth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Mc-

Donald, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—29.  
 NOES—None.

Bill read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.  
 NOES—None.

Title read and approved.

Also:

*Resolved*, That Assembly Bill No. 372—An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-fifth fiscal year—presents a case of urgency, as the term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Patterson, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.  
 NOES—None.

Bill read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—31.  
 NOES—None.

Title read and approved.

Mr. White moved to have Senate Constitutional Amendment immediately transmitted to the Assembly.

So ordered.

Also:

*Resolved*, That Assembly Bill No. 373—An Act to provide for the deficiency in the appropriation for the transportation of insane, for the thirty-first fiscal year—presents a case of urgency, as that term is used in section fifteen, Article IV, of the Constitution, and the provision of said section, requiring that said bill shall be read on three several days, is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—30.  
 NOES—None.

Bill read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—30.

NOES—None.

Title read and approved.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. Vrooman obtained unanimous consent of the Senate to introduce the following bill:

Senate Bill No. 454—An Act to provide for the submission of certain proposed amendments to the Constitution of the State hereinbefore named, and which have been proposed and adopted by the Legislature of the State of California, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

Read first time.

#### RESOLUTIONS—(RESUMED).

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 365—An act to provide for the deficiency in the appropriation for the uses of the State Board of Viticulture, for the thirty-seventh fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section, requiring that said bill shall be read on three several days, is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—31.

NOES—None.

Bill read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Also:

*Resolved*, That Assembly Bill No. 366—An Act to provide for the deficiency in the appropriation for the contingent expenses of the office of the Surveyor-General for the thirty-seventh fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, White and Yell—29.

NOES—None.



Bill read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.

NOES—None.

Title read and approved.

Also:

*Resolved*, That Assembly Bill No. 364—An Act to provide for the deficiency in the appropriation for the erection and maintenance of the State Salmon Hatchery, for the thirty-seventh fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring the reading of the bill upon three several days is hereby dispensed with, and it is hereby ordered that said bill be now read the first, second, and third times, and placed upon final passage.

Resolution passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—30.

NOES—None.

Bill read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—29.

NOES—None.

Title read and approved.

#### ASSEMBLY MESSAGE.

Assembly message considered as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Constitutional Amendment No. 2—To propose to the people of the State an amendment to the Constitution of the State, relative to the Judiciary Department.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Mr. White moved that all proceedings taken prior to this day regarding or relating to Senate Constitutional Amendment No. 2, which said amendment was proposed in this Senate on February ninth, eighteen hundred and eighty-seven, and was amended therein on February twenty-fifth, eighteen hundred and eighty-seven, be and the same are hereby rescinded and vacated.

Adopted.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

Mr. Caminetti had unanimous consent to introduce the following bill:

By Mr. Caminetti: Senate Bill No. 455—An Act to provide com-

compensation for the Tax Collectors in the several counties of the State of California, for services in the collection of license taxes.

Read first time, and ordered printed.

#### RESOLUTIONS—(RESUMED).

By Mr. Vrooman:

*Resolved*, That Assembly Bill No. 392—An Act to provide for the deficiency in the appropriation for the uses of the State Board of Silk Culture, for the thirty-sixth fiscal year—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that the bill be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

Resolution adopted by the following vote:

AYES—MESSRS. Abbott, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, Vrooman, Walrath, White, and Yell—29.

NOES—None.

Bill read first, second, and third times, and passed by the following vote:

AYES—MESSRS. Abbott, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—28.

NOES—None.

Title read and approved.

By Mr. Goucher:

*Resolved*, That Assembly Bill No. 550—Entitled "An Act to add a new section to the Political Code, to be numbered section three thousand two hundred and thirty-five, relating to the furnishing of supplies under contract to all public institutions under the control of the State, or of any county, city or county, or town thereof"—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring said bill to be read on three several days is hereby dispensed with, and said bill is ordered read the first, second, and third times, and placed upon its passage.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, and White—28.

NOES—Mr. Yell—1.

Bill read first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Yell—29.

NOES—None.

Title read and approved.

By Mr. Jones:

*Resolved*, That Assembly Bill No. 565 presents a case of urgency, as that word is used in section fifteen, of Article IV, and the provision of that section requiring the bill to be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

### Resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, White, and Yell—29.

NOES—None.

Assembly Bill No. 565—An Act to amend sections one thousand one hundred and eighty-three, one thousand one hundred and eighty-four, one thousand one hundred and eighty-seven, one thousand one hundred and ninety-one, and to repeal section one thousand two hundred and three of an Act of the Legislature of the State of California, entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, all relating to liens of mechanics and others.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—28.

NOES—None.

Title read and approved.

By Mr. Conklin:

*Resolved*, That Assembly Bill No. 227—Entitled an Act to establish a Political Code, approved March 12, 1872, by adding thereto a new section, to be known as section two thousand six hundred and ninety-six, relating to proceedings for procuring land for the purpose of raising the banks of streams in order to more effectually protect public roads and highways—presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring said bill to be read on three several days is hereby dispensed with, and said bill is ordered read the first, second, and third times, and placed upon its passage.

### Resolution adopted by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—29.

NOES—None.

Assembly Bill No. 227 read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Abbott, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, and Yell—30.

NOES—None.

Title read and approved.

### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 565—An Act to amend sections one thousand one hundred and eighty-three, one thousand one hundred and eighty-four, one thousand one hundred and eighty-seven, one thousand one hundred and ninety-one, and to repeal section one thousand two hundred and three of an Act of the Legislature of the State of California,

entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, all relating to liens of mechanics and others.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

# MOTION.

Mr. Dray moved that the Senate do now proceed to the approval of the Journal.

Mr. Walrath moved to amend, that the approval of the Journal be set for to-morrow, between the hours of ten and eleven o'clock A. M.

Adopted.

Mr. Jones moved that all legislative business be dispensed with for the present

So ordered.

# RESOLUTION.

By Mr. Moffitt:

WHEREAS, The present Senate of California has been exceptionally honored by the frequent visits of the ladies of Sacramento; and whereas, their presence has always added a dignity and tone to this honorable body, which might not otherwise exist; and whereas, the Senators not unkindly to these generous bestowals by representatives of the gentler sex; therefore, be it

*Resolved*, That the thanks of the Senate are hereby tendered to the ladies, and that in one voice we exclaim, "God bless them all"

Resolution unanimously adopted.

SENATE CHAMBER, SACRAMENTO, March 11, 1887.

The members of the Senate of the twenty-seventh session of the Legislature of the State of California, being desirous of placing upon record, in an indelible form, their esteem, respect, and friendly feeling for their presiding officer, Lieutenant-Governor R. W. Waterman, do so in the form and phraseology following:

WHEREAS, Lieutenant-Governor Waterman, President of the Senate, has, during his term of office, been faithful, diligent, impartial, and courteous in the performance of his duty, as such officer, and has at all times endeavored to carry out the behests of the Senate to the fullest extent, without prejudice or favor, always keeping within the strict line of an honest desire to facilitate the business of the Senate, and at the same time to be liberal in the construction of the law and rules provided for his guidance; therefore, be it

*Resolved*, That the undersigned members of the Senate desire to express to Lieutenant-Governor Waterman their confidence in him, as an honest and faithful officer; and to assure him, that in the heart of each and all of them, the warmest sentiments of regard and affection are entertained for him.

*Resolved*, That a copy of this preamble and resolution be properly engrossed, and a copy presented to Lieutenant-Governor Waterman.

(Signed )

STEPHEN M. WHITE.  
P. J. MURPHY.  
A. L. CHANDLER.  
A. CAMINETTI.  
A. F. JONES.  
T. H. McDONALD.  
JOHN LENAHA.  
E. B. CONKLIN.  
FRANK J. MOFFITT.  
M. W. DIXON.  
JAS. McCUDDEN.  
HENRY VROOMAN.  
JAS. D. BYRNES.  
F. R. DRAY.  
JOHN BOGGS.  
E. V. SARGENT.  
JOHN ROTH.  
A. P. HALL.  
A. WALRATH.  
J. P. HAYNES.

J. P. ABBOTT.  
J. N. E. WILSON.  
D. J. MCCARTHY.  
L. J. ROSE.  
T. J. CLUNIE.  
W. H. PATTERSON.  
W. W. BOWERS.  
J. M. BRICELAND.  
GEO. STEELE.  
HENRY C. GESFORD.  
E. C. HINSHAW.  
A. W. CRANDALL.  
B. F. LANGFORD.  
J. R. SPELLACY.  
GEO. G. GOUCHER.  
ARCHIBALD YELL.  
THOMAS J. PINDER.  
JOHN J. SULLIVAN.  
A. J. MEANY.  
P. J. CRIMMINS.



## FIRST READING OF BILL.

Senate Bill No. 454—An Act to provide for the submission of certain proposed amendments to the Constitution of the State hereinafter named, and which have been proposed and adopted by the Legislature of the State of California, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

Read first time.

Mr. White offered the following resolution:

*Resolved*, That Senate Bill No. 454 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read second and third times, and placed upon its passage.

The resolution was adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell—33.

NOES—None.

Senate Bill No. 454 was read the second and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Walrath, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Resolution by Mr. Meany:

WHEREAS, The set of Codes used by the present Senate will be of no use to the State after the adjournment of the present Legislature; and whereas, such Codes are now lying in the office of the Secretary of State; therefore, be it

*Resolved*, That the Secretary of State is hereby directed to deliver to each Senator the set of Codes used by him, to be the property of such Senator.

Adopted.

Resolution by Mr. Lenahan:

WHEREAS, The Journal Clerk's Department will continue at work for ten consecutive days, in order to complete the Journal of the Senate, after the adjournment of that body; and whereas, it is necessary to have a Porter during that period; therefore, be it

*Resolved*, That Charles Robinson be and he is hereby requested to continue as Porter of said Journal Clerk's rooms, at the same per diem allowed during the session of this body, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized and directed to draw his warrant in favor of said Charles Robinson.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

## ADJOURNMENT.

At eleven o'clock and thirty-five minutes P. M., on motion of Mr. Meany, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Saturday, March 12, 1887. }

Senate met pursuant to adjournment.

President Waterman in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, and Pinder.

Quorum present.

Prayer by the Chaplain, Rev. H. C. Christian.

## CALL OF THE SENATE.

Mr. Caminetti moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, and Yell.

Mr. Caminetti moved that the Sergeant-at-Arms be furnished a list of absentees, and that the Senate proceed with the consideration of business.

So ordered.

Reading and approval of Journal of yesterday temporarily passed.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 426—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

Senate Bill No. 22—An Act to amend sections one thousand six hundred and sixty-five and one thousand six hundred and sixty-seven of the Political Code of California, relating to branches of studies to be taught in the public schools.

Also, concurred in Senate amendments to Assembly Bill No. 14—An Act to eradicate glanders and tarcy, a disease among horses and other animals, and to empower the several county Boards of Supervisors of this State to create the office of County Veterinary Surgeon, and to provide for his compensation and define his powers and duties.

Also, concurred in Senate amendments to Assembly Bill No. 229—An Act to amend section three thousand three hundred and thirty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the wrongful conversion of personal property.

Also, passed the following bills, viz.:

Senate Bill No. 311—An Act to aid the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, and to appropriate money therefor.

Senate Bill No. 312—An Act to appropriate money for the preservation and improvement of Yosemite Valley and the Mariposa Big Tree Grove.

Assembly Bill No. 306—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health.

Senate Bill No. 273—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VIII thereof, to be known as section one thousand three hundred and eighty-nine, for the prevention of minors being employed by telephone companies, special delivery companies, to delivering notes or messages to houses of prostitution or places of questionable repute.

Said Senate Bills Nos. 311 and 312 being amended by the Assembly and passed as amended.

Also, March 12, 1887, passed Senate Bill No. 419 "An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fourth fiscal year.

Senate Bill No. 78—An Act to amend section one hundred and seventy of the Code of Civil Procedure, relating to disqualifications of Judges.

Senate Bill No. 341—An Act to amend section four hundred and ninety-one of the Penal Code of the State of California, relating to dogs, and the larceny thereof.

Senate Bill No. 130—An Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Senate Bill No. 12—An Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to books of record and indices to be kept by County Recorders.

Senate Bill No. 328—An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse to be used for the storage of the same, authorizing the appointment of a storekeeper to have the care and custody of said text-books, and appropriating money to pay the expenses of erecting said warehouse and the salary of such storekeeper.

Said Bill No. 78 having been amended, and passed as amended.

Said Senate Bill No. 328 having been amended, and passed as amended.

Also, passed the following bills, viz.:

Senate Bill No. 20—An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Senate Bill No. 437—An Act to amend section two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to preventing the bringing into the State persons affected with leprosy or insanity, or such other persons as by reason of their condition are liable to become a charge upon the State, and to provide for the deportation of the same.

Senate Bill No. 194—An Act making appropriations for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison, at San Quentin, and other expenses incidental and relating thereto.

Senate Bill No. 231—An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to apportionment of school moneys.

Senate Bill No. 374—An Act relating to the compensation of Court Reporters in counties of the eighth and ninth classes.

Assembly Bill No. 561—An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to levy of taxes.

FRANK D. RYAN, Chief Clerk.

ED. J. SMITH, Assistant Clerk.

## Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 561—An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to levy of taxes—presents a case of urgency, as the term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the second and third times, and placed upon final passage.

## Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, and White—29.

NOES—None.

Assembly Bill No. 561 read second and third times, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Walrath, and White—28.

NOES—None.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 450. An Act to amend sections three hundred and fifty-four, one thousand four hundred and eighty-seven, one thousand four hundred and eighty-eight, one thousand four hundred and eighty-nine, one thousand four hundred and ninety, one thousand four hundred and ninety-one, one thousand four hundred and ninety-two, one thousand five hundred and one, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and five, and one thousand five hundred and seven, and to repeal section one thousand five hundred and six, all of said sections being of the Political Code of the State of California, relating to the organization, powers, and duties of Boards of Trustees of State Normal Schools.

Also, Senate Bill No. 207. An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

Also, adopted Senate Concurrent Resolution No. 7.—In behalf of Charles M. Blake, late Chaplain of the United States Army.

Also, Senate Joint Resolution No. 2.—Relative to inviting the National Educational Association to hold the annual meeting for eighteen hundred and eighty-eight in California.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 442. An Act to provide for the submission of such proposed amendments to the Constitution of the State as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California at the session beginning January third, eighteen hundred and eighty-seven, to the qualified voters of said State at a special election, to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Mr. Vrooman moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Gestord, Goucher, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Sullivan, Vrooman, Waldrath, White and Wilson.

Mr. White moved to dispense with further proceedings under the call of the Senate.

So ordered.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 450 and 306 ordered on file.

Senate Concurrent Resolution No. 7 ordered to enrollment.

Also, Senate Joint Resolution No. 2, and Senate Bills Nos. 20, 437, 194, 231, 374, and 419 ordered to enrollment.

Senate Bill No. 78 amended in Assembly as follows:

Amend, by adding to section two the following: "or when any attorney in an action shall file his affidavit, setting forth that any adverse party to the action, or any of his attorneys, has an undue influence over Justice, Judge, or Justice of the Peace, and that he believes, by reason thereof, his client cannot have a fair and impartial trial before said Justice, Judge, or Justice of the Peace."

Concurred in.



Senate Bills Nos. 78, 341, 130, 12, 328, and 207 severally ordered to enrollment.

Assembly amendment to Senate Bill No. 328, as follows, concurred in: Insert in section one, after the word "books," in line twelve, original bill, the words "and the paper, electrotypes, and other materials necessary for the publication of said State series of text-books."

Senate Bill No. 312 ordered to enrollment.

Assembly amendment: Strike out "twenty-five," in line one, and insert "fifteen."

Concurred in.

Senate Bill No. 311 ordered to enrollment.

Assembly amendments concurred in, as follows: Add to section three, "*provided*, that the Secretary or Treasurer shall not be a member of the Board of Commissioners."

Senate Bills Nos. 373, 426, and 22 severally ordered to enrollment.

Mr. White moved that the Senate do not concur in Assembly amendments to Senate Bill No. 442, and that said bill be immediately transmitted to the Assembly.

So ordered.

#### MOTION.

Mr. Sullivan moved to take up, out of order, Assembly Bill No. 129.

Ayes and noes demanded by Messrs. Sullivan, McDonald, and McCarthy, and the motion of Mr. Sullivan was rejected by the following vote:

AYES—Messrs. Crimmins, Goucher, Lenahan, McCarthy, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, and Sullivan—11

NOES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dixon, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, Roth, Sargent, Steele, Vrooman, White, and Wilson—22

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 102—An Act to amend sections number one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, Cal., March 12, 1887. }

*To the Senate:*

I have the honor to inform your honorable body that I have this day appointed Hon. J. Routier, of Sacramento County, and J. Downey Harvey, of Los Angeles County, Fish Commissioners, vice A. B. Dibble and R. H. Buckingham, whose terms have expired, and ask the consent of the Senate to the same.

WASHINGTON BARTLETT, Governor.

#### CONSIDERATION OF GOVERNOR'S MESSAGE.

Upon the question, "Will the Senate advise and consent to the appointment of Hon. J. Routier, of Sacramento County, as Fish Commissioner, vice A. B. Dibble, term expired?"

The roll was called, with the following result:

**AYES**—Messrs. Abbott, Boggs, Caminetti, Chandler, Crandall, Crimmins, Dixon, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Vrooman, Walrath, White, and Wilson—28.

**NOES**—Messrs. Conklin and Steele—2.

Whereupon, the President announced the appointment of Hon. J. Routier, as Fish Commissioner, as aforesaid, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. Downey Harvey of Los Angeles County, as Fish Commissioner, vice R. H. Buckingham, term expired?"

The roll was called, with the following result:

**AYES**—Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dixon, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Rose, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Wilson—31.

**NOES**—Mr. Pinder—1.

Whereupon, the President announced the appointment of J. Downey Harvey, as Fish Commissioner, as aforesaid, duly confirmed.

#### RESOLUTION.

By Mr. Moffitt:

*Resolved*, That the Secretary of the Senate be and hereby is ordered to compile a complete history of Senate Bills, Senate Constitutional Amendments, and Senate Concurrent and Joint Resolutions, of the twenty-seventh session of the Legislature; and, further,

*Resolved*, That two copies of such history be mailed to each Senator and Assemblyman; also,

*Resolved*, That the Controller draw his warrant in favor of the Secretary of the Senate for the sum of three hundred dollars, payable out of the Contingent Fund of the Senate, such sum to include payment for compilation and mailing.

Upon the adoption of the resolution.

The roll was called, and the resolution was adopted by the following vote:

**AYES**—Messrs. Conklin, Crandall, Crimmins, Dray, Lenahan, McCarthy, McDonald, Moffitt, Murphy, Pinder, Spellacy, Sullivan, Vrooman, and White—14.

**NOES**—Messrs. Abbott, Boggs, Caminetti, Chandler, Goucher, Hall, Haynes, Hinshaw, Meany, Roth, Sargent, and Steele—13.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 367—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Attorney-General and the Surveyor-General, in contests between the State and the United States, for the thirty-fifth fiscal year.

Also, Assembly Bill No. 61—An Act to appropriate money to meet the deficiency in the appropriation for the costs and expenses of suits where the State is a party in interest, for the thirty-fifth fiscal year, to pay the claim of William Applegarth.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

Resolution by Mr. Vrooman:

*Resolved*, That Assembly Bill No. 367—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Attorney-General and the Surveyor-General, in contests between the State and the United States, for the thirty-fifth fiscal year, presents a case of urgency, as contemplated by section fifteen, Article IV, of the Constitution of California, and that the provisions of said section requiring bills to be read on three several days be and the same are hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon its passage.

## Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Sullivan, Vrooman, Walrath, White, and Yell—32.  
 NOES—None.

Whereupon, Assembly Bill No. 367 was read a first, second, and third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—31.  
 NOES—None.

Title read and approved.

## REPORT OF STANDING COMMITTEE.

### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 274—An Act making appropriations for the erection of buildings and for other improvements at the State Prison at San Quentin.

Senate Bill No. 450—An Act to pay the officers and men of the Second Brigade, National Guard of California, for guard duty performed by them in obedience to the orders of the Governor as Commander-in-Chief, from December nineteenth, eighteen hundred and eighty-six, to January twenty-first, eighteen hundred and eighty-seven, both days inclusive.

Senate Bill No. 347—An Act to pay the claim of J. W. Rock, for the construction of a steam launch.

Senate Bill No. 357—An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year.

Senate Bill No. 422—An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year.

Senate Bill No. 265—An Act to amend an Act entitled "An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof," approved March 18, 1885, in relation to the salary of officers.

Senate Bill No. 425—An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant, commanding Company "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company.

Senate Bill No. 3—An Act to repeal section one thousand four hundred and twenty-two, of Title VIII, of Part IV, of Division II, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and to reserve from the operation of said repeal, rights already vested.

Senate Bill No. 70—An Act to establish an Asylum for Insane Criminals of the State of California.

Senate Bill No. 41—An Act to encourage tree planting within the State of California.

Senate Bill No. 448—An Act to appropriate the sum of five thousand dollars to pay the expenses and disbursements to be incurred and made in maintaining the rights of the State in litigation now pending in, or which may come before, the Supreme Court of the United States, to which this State is or shall be a party, on the determination of which this State is or shall be interested.

Senate Bill No. 310—An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.

And have this day placed the same in the hands of the Governor.

ROTH, Chairman.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, respectfully refused to recede from its amendments to Senate Bill No. 442—An Act to provide for the submission of certain proposed amendments to the Constitution of the State hereinafter named, and which have been proposed and adopted by the Legis-

lature of the State of California, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven, and appointed as a Committee of Conference, to meet a like committee to be appointed by the Senate upon the disagreements, Messrs. Variel, Heath, and W. P. Mathews.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### COMMITTEE OF CONFERENCE.

On motion, Messrs. White, Vrooman, and Caminetti were appointed a Committee of Conference to confer with a like committee reported from the Assembly, upon the disagreement between the Senate and Assembly on Senate Bill No. 442.

Mr. Goucher offered the following resolution:

*Resolved*, That Assembly Bill No. 61 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

The resolution was adopted by the following vote:

AYES—Messrs. Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lenahan, McCarthy, McCadden, McDonald, Menny, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—28.

NOES—None.

Assembly Bill No. 61—An Act to appropriate money to meet the deficiency in the appropriation for the costs and expenses of suits where the State is a party in interest, for the twenty-fifth fiscal year, to pay the claim of William Applegarth.

Read first, second, and third times, and passed by the following vote; and ordered transmitted immediately to the Assembly:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, McCarthy, McDonald, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—27.

NOES—None.

Title read and approved.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed as a Committee of Free Conference, on Senate Bill No. 442—An Act to provide for the submission of certain proposed amendments to the Constitution of the State, hereinafter named, and which have been proposed and adopted by the Legislature of the State of California, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor, for the twelfth day of April, eighteen hundred and eighty-seven, Messrs. Variel, Heath, and W. P. Mathews, to act with a like committee to be appointed by the Senate, upon the disagreements existing between the Senate and Assembly, upon Assembly amendments to said bill.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

#### REPORT OF CONFERENCE COMMITTEE.

Senate Bill No. 442.

Your committee heretofore appointed to meet a like committee appointed by the Assembly in relation to disagreement existing in relation to said bill, respectfully report



that such meeting has been held by said committees, and that said committees have been unable to agree, and your committee recommend the appointment of same Senate committee as a Free Conference Committee on same matter, to meet a like Free Conference Committee appointed by the Assembly, for the purpose of reaching an agreement, if it be practicable so to do.

STEPHEN M. WHITE, Chairman.

Adopted.

Resolution by Mr. Caminetti:

*Resolved*, That Senate Bill No. 455 presents a case of urgency, as contemplated by section fifteen, Article IV, of the Constitution of California, and that the provisions of said section requiring bills to be read on three several days be and the same are hereby dispensed with, and it is ordered that said bill be now read the third time and placed upon its passage, it having been already read the first and second times.

Resolution adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crimmins, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—28.

NOES—Mr. Gesford—1.

Senate Bill No. 455—An Act to provide compensation for the Tax Collectors in the several counties of the State of California, for services in the collection of license tax.

Read third time, and passed by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Conklin, Dray, Goucher, Hall, Haynes, Hinshaw, Langford, Lenahan, McCarthy, McDonald, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, and Yell—23.

NOES—None.

Title read and approved.

#### REPORT OF FREE CONFERENCE COMMITTEE.

MR. PRESIDENT: Your Committee of Free Conference, relative to Senate Bill No. 442, report—we have met a like committee from the Assembly, consisting of Assemblymen Variel, Heath, and Mathews (W. P.), and we report that said committee have agreed upon proper amendments to said Senate Bill No. 442, and the same is reported back to the Assembly for action thereon.

STEPHEN M. WHITE,  
H. VROOMAN,  
A. CAMINETTI,

Committee.

#### SENATE BILL No. 442.

An Act to provide for the submission of certain proposed amendments to the Constitution of the State hereinafter named, and which have been proposed and adopted by the Legislature of this State, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Governor of the State of California is hereby directed to call a special election, to be held on the twelfth day of April, 1887, for the purpose of submitting to the qualified voters of the State, for adoption or rejection, the following described amendments to the Constitution of the State, which have been proposed and adopted by the Legislature of this State, at the session beginning on January 3, 1887, to wit: Senate Constitutional Amendment Number Two (2) proposed in the Senate of said State on March 11, 1887, and Senate Constitutional Amendment Seven (7) proposed in the Senate of said State on March 8, 1887, relating to the Judicial Department of the State, and Assembly Constitutional Amendment Number Sixteen (16), relating to the framing of a charter for cities of more than one hundred thousand inhabitants and for cities of over ten thousand and less than one hundred thousand inhabitants, which said constitutional amendments, if adopted, will be numbered, respectively, Constitutional

Amendment Number Four, Constitutional Amendment Number Five, and Constitutional Amendment Number Six.

SEC. 2. The amendments to each article of the Constitution shall be voted upon separately from the other, in the manner and form prescribed by the Governor, which manner and form shall be printed and advertised, with the proposed amendments, for the space of twenty days prior to the said twelfth day of April, 1887, in such newspapers printed in this State as he may select, not exceeding four in number.

SEC. 3. The votes cast for and against said proposed amendments shall be canvassed in the same manner as now provided by law in the election of State officers, other than Governor and Lieutenant-Governor, and if it shall appear that a majority of all the votes cast upon said special election are in favor of such amendment, or any or either of such amendments, as a part of the Constitution of the State, then the Governor shall issue his proclamation, declaring such fact, and the said amendment or amendments thus adopted shall become and be a part of the Constitution of this State.

SEC. 4. This Act shall take effect and be in force from and after its passage.

The report of the Committee of Free Conference was adopted.

#### REPORTS OF STANDING COMMITTEES.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE—MAJORITY AND MINORITY REPORTS.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, The Journal Clerk's Department will continue at work for ten consecutive days, in order to complete the Journal of the Senate, after the adjournment of this body, and whereas, it is necessary to have a Porter during that period; therefore, be it

*Resolved*, That Charles Robinson be and he is hereby requested to continue as Porter of said Journal Clerk's rooms, at the same per diem allowed during the session of this body, payable out of the Contingent Fund of the Senate, and the controller is hereby authorized and directed to draw his warrant in favor of said Charles Robinson.

Have had the same under consideration, and respectfully report the same back, and the majority recommend that it do not pass; the minority that it do pass, for the reason that the services of a Porter are necessary to keep the Journal Clerk's rooms in order.

MURPHY, Chairman.

The roll was called, and the majority report adopted by the following vote:

AYES—Messrs. Abbott, Chandler, Conklin, Crandall, Crimmins, Dray, Gestord, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCudden, McDonald, Roth, Sargent, Walrath, and Yell—19.

NOES—Messrs. Byrnes, Lenahan, McCarthy, Murphy, Pinder, Spellacy, and Steele—7.

Also, the following:

WHEREAS, The Governor's Message and the Appendix thereto, both very voluminous communications, are yet to be journalized, and the office of the Journal Clerk has been overcrowded with work since the holding of evening sessions; and whereas, it will require ten or twelve days after the adjournment of this body to complete the Journal; therefore, be it

*Resolved*, That the Journal Clerk of the Senate and his assistants be and they are hereby allowed the sum of seventy-five dollars (\$75) each for extra services, and that the Controller be and he is hereby directed to draw his warrant for the same, payable out of the Officers' Fund of the Senate, and the Treasurer is hereby instructed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the proviso that only the Journal Clerk and his two chief assistants shall be paid for the service.

MURPHY, Chairman.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Chandler, Conklin, Crandall, Dray, Goucher, Hall, Haynes, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Walrath, White, and Yell—24.

NOES—Messrs. Gestord, Hinshaw, and Steele—3.

## REPORT OF STANDING COMMITTEE.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 426—Entitled an Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

Also, Senate Bill No. 273—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VII thereof, to be known as section one thousand three hundred and eighty-nine, for the prevention of minors being employed by telephone companies or special delivery companies to deliver notes or messages to houses of prostitution or places of questionable repute.

Also, Senate Bill No. 22—An Act to amend sections one thousand six hundred and sixty-five and one thousand six hundred and sixty-seven of the Political Code of California, relating to branches of studies to be taught in the public schools.

Senate Constitutional Amendment No. 2—To propose to the people of the State an amendment to the Constitution of the State, relative to the Judiciary Department.

ROTH, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Committee of Free Conference upon Senate Bill No. 442—An Act to provide for the submission of certain proposed amendments to the Constitution of the State, hereinafter named, and which have been proposed and adopted by the Legislature of the State of California, at the session beginning on January 3, 1887, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, 1887, and in accordance therewith finally passed said bill as amended by the committee.

FRANK D. RYAN, Chief Clerk.  
ED. J. SMITH, Assistant Clerk.

## MOTION.

Mr. White moved that the Senate concur in Assembly amendments to Senate Bill No. 442.

So ordered.

Senate Bill No. 442, as amended, having been printed, was ordered to enrollment.

## RESOLUTIONS.

By Mr. Goucher :

*Resolved*, That the President and Secretary be instructed to examine and approve the Journal of to-day upon its receipt Monday, March 14, 1887.

Adopted.

By Mr. Murphy :

*Resolved*, That H. S. Crocker & Co. be and they are hereby allowed the sum of nine dollars for record book furnished Journal Clerk, and the Controller is hereby directed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Adopted by the following vote :

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

NOES—None.

By Mr. Murphy:

*Resolved*, That the Union Ice Company be and it is hereby allowed the sum of six dollars and seventy-five cents for ice furnished the Senate, and the Controller is hereby directed to draw his warrant for the same, payable out of the contingent fund of the Senate.

Adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—31.

NOES—None.

By Mr. Jones:

*Resolved*, That Assembly Bill No. 450 presents a case of urgency, as that term is used in section fifteen, of Article IV, of the Constitution, and the provisions of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is hereby ordered that said bill be this day read the first, second, and third times, and placed upon final passage.

Resolution adopted, by the following vote:

AYES—Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Goucher, Hall, Haynes, Hinshaw, Jones, Lendhan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—28.

NOES—None.

Assembly Bill No. 450—An Act to amend sections three hundred and fifty-four, one thousand four hundred and eighty-seven, one thousand four hundred and eighty-eight, one thousand four hundred and eighty-nine, one thousand four hundred and ninety, one thousand four hundred and ninety-one, one thousand four hundred and ninety-two, one thousand five hundred and one, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and five, and one thousand five hundred and seven, and to repeal section one thousand five hundred and six, all of said sections being of the Political Code of the State of California, relating to the organization, powers, and duties of Boards of Trustees of State Normal Schools.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Byrnes, Caminetti, Chandler, Crandall, Dray, Gesford, Hall, Haynes, Jones, Langford, McCarthy, McDonald, Meany, Moffitt, Murphy, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—23.

NOES—None.

Title read and approved.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 12, 1887. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 144—An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes, and to appropriate money therefor.

Also, Senate Bill No. 164—An Act to provide for the painting of State buildings located at Sacramento.

Also, Senate Bill No. 333—An Act to protect life and property against the careless and malicious use or handling of dynamite and other explosives.



Also, Senate Bill No. 446—An Act appropriating money for the pay of officers and clerks of the Senate for its twenty-fifth session.

Also, Senate Bill No. 449—An Act to appropriate money for the salaries of additional clerks in the Controller's office.

Also, Senate Bill No. 453—An Act appropriating money to meet the contingent expenses of the Senate for its twenty-seventh session.

WASHINGTON BARTLETT, Governor.

## REPORT OF STANDING COMMITTEE.

### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 328—Entitled "An Act to provide for the care and security of the State series of text-books, by the erection of a fireproof warehouse, to be used for the storage of the same, authorizing the appointment of a storekeeper to have the care and custody of said text-books, and appropriating money to pay the expenses of erecting said warehouse."

Also, Senate Bill No. 442—Entitled "An Act to provide for the submission of such proposed amendments to the Constitution of the State as have been heretofore, or shall hereafter be, proposed and adopted by the Legislature of the State of California, at the session beginning on January 3, 1887, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, 1887."

And have placed the same in the hands of the Governor.

ROTH, Chairman.

### RESOLUTIONS.

By Mr. Vrooman:

*Resolved*, That a committee of three, consisting of Senators White, Lenahan, and Dray, are hereby selected to wait upon the Assembly, and ascertain if they have any further business to transmit to the Senate.

Adopted.

By Mr. Vrooman:

*Resolved*, That a committee of three, consisting of Senators Caminetti, McCudden, and Wilson, are hereby selected to wait upon the Governor, and inquire if he has any further business to transmit to the Senate.

Adopted.

By Mr. Caminetti:

WHEREAS, The Legislature of the State of California is about to adjourn sine die; and whereas, the officers and employes of the Senate have been uniformly kind, courteous, and obliging in all matters relating to their respective duties; and whereas, this Senate is desirous of expressing, in some public way, its appreciation of its officers and employes; therefore, be it

*Resolved*, That the thanks of this Senate are hereby heartily bestowed upon the officers and employes thereof, one and all.

Adopted.

By Mr. Caminetti:

*Resolved*, That Assembly Bill No. 166 presents a case of urgency, as that term is used in section fifteen, Article IV, and the provision of that section requiring the bill to be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the first, second, and third times, and placed upon final passage.

Adopted by the following vote:

AYES—Messrs. Abbott, Boggs, Byrnes, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—27.

NOES—None.

Assembly Bill No. 166—An Act to amend section one thousand one hundred and sixty of the Political Code of the State of California, relating to elections.

Read first, second, and third times, and passed by the following vote:

**AYES.** Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crandall, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Roth, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—26.

**NOES.** None.

Title read and approved.

Mr. White offered the following resolution:

*Resolved*, That Assembly Bill No. 88 presents a case of urgency as that term is used in section fifteen, of Article IV, of the Constitution, and the provision of said section requiring that said bill shall be read on three several days is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The resolution was adopted by the following vote:

**AYES.** Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McDonald, Meany, Moffitt, Murphy, Rose, Sargent, Spellacy, Steele, Walrath, White, Wilson, and Yell—28.

**NOES.** Mr. Pinder—1.

Assembly Bill No. 88—An Act to amend section one thousand one hundred and twenty-seven of the Political Code of the State of California, relating to the establishing of election precincts.

Read first, second, and third times, and passed by the following vote:

**AYES.** Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Gesford, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCarthy, McCudden, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—31.

**NOES.** None.

Title read and approved.

#### RESOLUTION.

By Mr. Murphy:

*Resolved*, That J. J. McCarthy, Assistant Secretary of the Senate, be and he hereby is allowed the sum of fifty dollars, payable out of the Contingent Fund of the Senate, and the Controller is directed to draw his warrant on the Treasurer for the amount named, said sum being for services to be rendered under sections two hundred and sixty-one and two hundred and sixty-nine of the Political Code.

Resolution adopted by the following vote:

**AYES.** Messrs. Abbott, Boggs, Caminetti, Chandler, Conklin, Crandall, Crimmins, Dray, Hall, Haynes, Hinshaw, Jones, Langford, Lenahan, McCudden, McCarthy, McCudden, Murphy, Pinder, Roth, Sargent, Spellacy, Steele, Vrooman, Walrath, White, Wilson, and Yell—29.

**NOES.** None.

Mr. Jones in the chair.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 194—Entitled an Act making appropriations for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto.

And have, this day, transmitted and delivered the same into the hands of the Governor.

ROTH, Chairman.

#### ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 10, 1887.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 73—Entitled "An Act to provide for the formation and control of irrigation districts," and Senate Bill No. 195, entitled "An Act to create an Irrigation, Drainage, and Water Rights Legislation Commission, to define its powers and duties, and to provide for payment of its costs and expenses," have had the same under consideration, and respectfully report the same back, without recommendation.

Your committee also returns petition, filed with your committee by citizens of Kern County, California.

WHITE, Chairman.

#### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 437—Entitled an Act to amend section two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to preventing the bringing into the State persons affected with leprosy or insanity, or such other persons as by reason of their condition are liable to become a charge upon the State, and to provide for the deportation of the same.

Also, Senate Bill No. 207—Entitled an Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners for the thirty-third fiscal year.

Also, Senate Bill No. 419—Entitled an Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of San Mateo County, for delivering certain insane persons at the Asylum for the Insane at Stockton, for the twenty-fourth fiscal year.

And have this day delivered the same into the hands of the Governor.

ROTH, Chairman.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 248—Entitled an Act to amend the Penal Code, by adding a new section thereto, to be known as section sixty-eight *a*, in relation to crimes by and against the executive power of the State.

Also, Assembly Bill No. 289—Entitled an Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WHITE, Acting Chairman.

#### CALL OF THE SENATE.

Mr. Caminetti moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Caminetti, Crandall, Dray, Goucher, Hall, Haynes, Hinshaw, Jones, Langford, McCarthy, McCudden, Meany, Murphy, Pinder, Roth, Sargent, Steele, Sullivan, White, Wilson, and Yell.

Mr. Caminetti moved to dispense with further proceedings under the call of the Senate.

So ordered.

By Mr. Caminetti:

#### RESOLUTION.

*Resolved*, That the representatives of the press who have occupied seats upon the floor of the Senate are extended the thanks of the Senate for the uniform fairness and correctness of their respective reports, and the personal courtesies extended to the members of this body.

Adopted.

# REPORT OF STANDING COMMITTEE.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1887.

MR. PRESIDENT. Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 130. Entitled an Act to amend section one thousand two hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section one thousand two hundred and seventy-nine of said Code.

Also, Senate Bill No. 374. An Act relating to the compensation of Court Reporters in counties of the eighth and ninth classes.

Also, Senate Bill No. 231. Entitled an Act to amend section one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to apportionment of school moneys.

Also, Senate Bill No. 312. An Act to appropriate money for the preservation and improvement of Yosemite Valley and the Mariposa Big Tree Grove.

Also, Senate Bill No. 211. An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Also, Senate Bill No. 78. Entitled an Act to amend section one hundred and seventy of the Code of Civil Procedure, relating to disqualifications of Judges.

Also, Senate Bill No. 341. An Act to amend section four hundred and ninety-one of the Penal Code of the State of California, relating to dogs, and the larceny thereof.

Also, Senate Concurrent Resolution No. 7. Relative to Chas. M. Blake, late Chaplain of the United States Army.

Also, Senate Bill No. 102. Entitled an Act to amend sections one thousand five hundred and ninety-three, one thousand six hundred and twelve, one thousand six hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees.

Also, Senate Bill No. 12. Entitled an Act to amend section one hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Also, Senate Joint Resolution No. 2. Relative to inviting the National Educational Association to hold its annual meeting for 1888 in California.

Also, Senate Bill No. 311. Entitled an Act to aid the Board of Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove, and to appropriate money therefor.

ROTH, Chairman.

## RESOLUTION OF THANKS.

The following resolution was, at the request of the officers and assistants whose names are attached thereto, presented to the Senate by Mr. Caminetti, and, on motion of Mr. Dray, ordered spread in full upon the Journal:

*Resolved*, That the heartfelt thanks of the undersigned officers and assistants of the Senate for the twenty-seventh session of the Legislature, be and the same are hereby tendered to the Senators who have this day so kindly remembered us in the presentation of the very acceptable testimonials in recognition and appreciation of the faithful performance of our several duties, during the present session.

(Signed:)

ED. H. HAMILTON, Secretary.

J. J. McCARTHY,

J. H. CORCORAN,

R. B. OULLAHAN,

Assistant Secretaries.

W. F. HUESTIS, Minute Clerk.

H. ZOLLVER,

J. D. McPIKE,

Assistant Minute Clerks.

T. W. O'NEIL, Enrolling Clerk.

P. M. BRACE, Engrossing Clerk.

C. F. McCARTHY, Assisting at the Desk.

The committee appointed to wait upon the Governor, verbally reported that the Governor had no further communication to transmit to the Senate.

Whereupon, Mr. White moved that the Journals of the Senate



stand approved, subject to the action of the Senate had in regard to the Journal of to-day.

So ordered.

On motion of Mr. White, a committee of three, consisting of Messrs. White, Jones, and Goucher, were appointed to wait upon the Assembly, and ascertain if that body had any further business to transmit to the Senate.

The committee verbally reported that a message from the Assembly would be received in a few moments.

A committee appeared from the Assembly and informed the Senate that the Assembly had concluded its business, and awaited the pleasure of the Senate.

The committee were instructed that the Senate had no further communication to transmit to the Assembly.

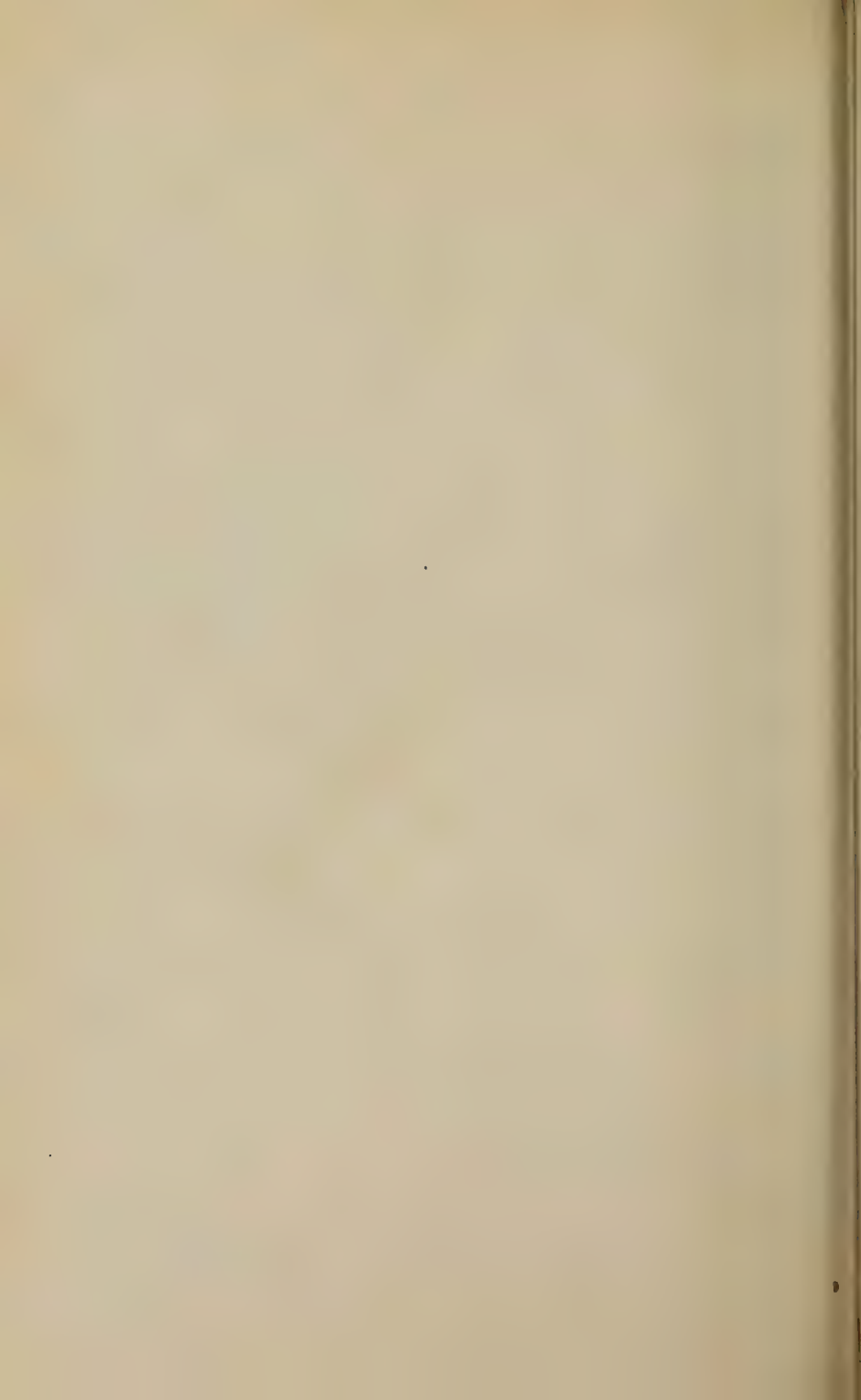
#### CLOSING ADDRESS BY THE PRESIDENT.

SENATORS: In obedience to the authority given you by the Constitution of this State, you met on the third of January, 1887, and have remained in session not only the sixty days prescribed by law, but a few days longer, receiving for this extra time no other compensation than the satisfaction always attending the performance of duty. I congratulate you on the harmony and good will that has existed among you during this session of the Senate. With regard to myself, though I have before expressed my gratitude to the members of this body for their uniform kindness and courtesy towards me, I wish to say once more, before parting, how truly I have felt and appreciated your kindness. In returning to your homes may you carry with you pleasant recollections of your association in this Senate, and may all good be with you and yours. It is now my duty to declare this twenty-seventh session of the Senate of the State of California adjourned sine die.

Whereupon, at twelve o'clock M., in pursuance to concurrent resolution adopted by both Houses of the Legislature, the Senate stood adjourned sine die.

R. W. WATERMAN, President.

ED. H. HAMILTON, Secretary.



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3	An Act to repeal Section 1422, of Title VIII, of the Civil Code of California. Bowers.....	43	294	594
4	An Act to establish a Branch Normal School in Shasta County, to maintain the same, and appropriate money therefor. Briceland.	43	339	472
5	An Act to provide for the payment of the claims for the per diem, and legal interest upon the same, of the members and attachés of the Constitutional Convention. Pinder.....	43		
6	An Act entitled "An Act to amend Section 297 of the Code of Civil Procedure of the State of California." Goucher .....	43		
7	An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 1046 thereof, relating to forming juries in criminal causes. Meany.....	43		
8	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, numbered Section 180, for the punishment of contempt of Court. Chandler .....	43		
9	An Act to amend Section 411 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions, and the service of summons therein. Chandler .....	43		
10	An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new article, exempting fishing boats and nets from execution. Abbott.....	43	108	535
11	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, numbered 1280, making acknowledgments taken and certified according to the laws of other States and Territories valid in this State. Abbott .....	43		
12	An Act to amend Section 125 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883. Abbott.....	43	272	617
13	An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor. Bowers .....	44		
14	An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation of county and township officers, and to the appointment and salaries of deputies and extra deputies in counties of the thirty-first class. Bowers .....	44	297	

Number	TITLE	Introduced	Passed Senate	Passed Assembly
15	An Act to provide an additional Judge of the Superior Court of the County of San Bernardino. Bowers .....	44		
16	An Act to amend Sections 1912, 1929, 1990, 2022, 2026, and 2094, and to add a new section, to be known as Section 2027 of the Political Code, relating to the State militia. Jones .....	44		
17	An Act to amend "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March 30, 1878, by making applicable thereto Section 1195 of the Code of Civil Procedure. Jones .....	44	117	481
18	An Act to amend Section 527 of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to injunctions and service thereof. Chandler .....	44		
19	An Act to provide for the opening of new streets, and for the extending, widening, and straightening of existing streets within municipalities. Crandall .....	44	499	
20	An Act to amend Section 2712 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Dixon .....	44	102	617
21	An Act to amend Sections 1129, 1160, 1192, 1203, 1204, 1212, 1225, 1226, 1227, 1242, and 1358 of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections. Dray .....	44		
22	An Act to amend Section 1605 of the Political Code, in relation to public schools, and the branches of instruction to be given therein. Dray .....	45	214	616
23	An Act to provide for the claim of Col. W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to Special Orders' No. 26, series 1880, issued from General Headquarters. Dray .....	45	150	102
24	An Act to amend Section 47 of the Code of Civil Procedure, relating to the time and place of holding sessions of the Supreme Court. Dray .....	45		
25	An Act to amend Sections 1033, 1034, and 1035 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial. Gesford .....	45	359	499
26	An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property. Gesford .....	45	150	
27	An Act entitled "An Act to amend Section 1521 of an Act entitled 'An Act to establish a Political Code,'" approved March 12, 1872, relating to public schools. Gesford .....	45		
28	An Act to provide for the payment of the traveling expenses of County Superintendents of Schools of the State of California. Gesford .....	45		
29	An Act to amend Section 791 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public. Gesford .....	45	117	
30	An Act making an appropriation for the support and maintenance of the State Mining Bureau for the thirty-ninth and fortieth fiscal years. Goucher .....	45	228	



Number	TITLE.	Introduced	Passed Senate	Passed Assembly
31	An Act entitled "An Act to amend Section 3777 of the Political Code of California." Goucher .....	45		
32	An Act to amend Section 126 of "An Act to establish a uniform system of county and township governments," approved March 14, 1883. Goucher.....	46	297	
33	An Act to amend Section 360 of "An Act to establish a Civil Code," approved March 21, 1872, relating to the acquisition and holding of real property by corporations, and the distribution thereof to stockholders. Langford .....	46		
34	An Act to provide for the better protection and security of life and property in the use of steam boilers. McCarthy.....	46	356	
35	An Act to regulate the employment of gripmen, conductors, and drivers on street railways; to provide for granting licenses to competent persons, and to provide further safeguards to life and property in the matter of operating such railways. McCarthy.....	46		
36	An Act to amend Chapter LXXI of the Statutes of California, passed at the twenty-third session of the Legislature, A. D. 1880, entitled "An Act to define, regulate, and govern State Prisons of California." McCarthy .....	46		
37	An Act making an appropriation for the relief of certain employés and other creditors of the State. McCarthy.....	46		
38	An Act to establish the California State Weather Service, and making an appropriation therefor. Moffitt.....	46		
39	An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878. Moffitt .....	46	394	472
40	An Act to provide an appeal to the Supreme Court in habeas corpus cases, and to add a new section to the Penal Code. Murphy.....	46		
41	An Act to encourage tree planting within the State of California. Rose .....	46	151	595
42	An Act to enlarge the powers of the State Board of Forestry, and to provide for the expenses of said Board. Rose.....	46	214	439
43	An Act for the protection of persons and animals on the public highways of this State. Sargent .....	46		
44	An Act to amend Section 2643 of the Political Code, relating to the powers of Supervisors over roads in the several counties of this State. Sargent .....	46		
45	An Act for the relief of William Pyburn or assigns for services rendered as private in defending the eastern frontier against the attacks of Indians. Sargent .....	46		
46	An Act to amend Section 633 of the Penal Code, relating to violations of the law for the preservation of fish. Sargent .....	47	94	
47	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 573. Steele .....	47		
48	An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum. Vrooman.....	47	195	439
49	An Act to provide for the permanent support of the University of California by the levy of a rate of taxation and the creation of a fund therefor. Vrooman .....	47	151	200

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
50	An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum. Walrath....	47	437	
51	An Act to provide for the impounding of mining debris. Walrath.	47	428	
52	An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as Section 432. Wilson.....	47		
53	An Act to amend Section 1967 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the distribution of estates of non-resident decedents dying testate. White .....	49		
54	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 739, relating to salaries of officers connected with the Supreme Court. White.....	49	498	589
55	An Act to amend an Act entitled "An Act in relation to the care of orphan and abandoned children," approved March 7, 1883. White .....	50		
56	An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter VII, of Title XI, of Part III, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents. White.....	50	497	580
57	An Act to amend Sections 419 and 420 of the Civil Code of the State of California, all of said sections relating to insurance. Clunie...	50		
58	An Act to amend Sections 601, 607, 610, 611, 612, 617, 629, and 630 of the Political Code of the State, all of said sections relating to insurance. Clunie .....	50		
59	An Act to amend Section 616 of the Political Code, relating to insurance companies. Clunie .....	50		
60	An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year. Clunie.....	50	150	517
61	An Act making an appropriation for rent and contingent expenses of Insurance Commissioner, for the thirty-seventh fiscal year. Clunie .....	50	504	594
62	An Act to amend Section 3468 of the Civil Code. Clunie.....	50		
63	An Act to repeal Section number 451 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, which section was approved March 23, 1885, and relates to mutual, life, health, and accident insurance corporations. Clunie.....	50		
64	An Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance. Clunie.	50		
65	An Act creating and adding two new sections to the Code of Civil Procedure of the State of California, to be known as Sections numbers 391 and 1040, and amending Sections 394 and 411 of the same Code, authorizing and regulating actions against the State of California. Clunie .....	50	227	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
66	An Act to appropriate money to pay for the publication of Amendment Number One to the Constitution, as submitted at the general election November 2, 1886. Clunie.....	51	225	481
67	An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers and gripmen, and to amend Section 3244 of said Code. Clunie.....	51	392	552
68	An Act to regulate the hours of labor in the street railroads chartered under the laws of the State of California in cities, or cities and counties, of over one hundred thousand inhabitants. Clunie.....	51		
69	An Act to create and maintain a relief and pension fund in the police department of all cities in this State having a police force of ten or more members, and to provide for the administration of such fund. Clunie.....	51	421	481
70	An Act to establish an asylum for insane criminals of the State of California. Boggs.....	51	339	595
71	An Act to prohibit the assessment and collection of any tax or license for the manufacture or sale of the native wines of California. Bowers.....	51		
72	An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County. Sargent.....	51		
73	An Act to provide for the formation, management, and control of irrigation districts. Langford.....	51		
74	An Act to pay the claim of Jessie A. Galland. McCarthy.....	51		
75	An Act to authorize the Board of State Harbor Commissioners to pay the claim of Thomas Curtin. McCarthy.....	51		
76	An Act to pay the claim of J. F. Gawthorne. McCarthy.....	51		
77	An Act to pay the claim of Edwin J. Smith. McCarthy.....	51		
78	An Act to amend Section 170 of the Code of Civil Procedure, relating to disqualifications of Judges. Caminetti.....	51	356	617
79	An Act for the relief of George Nightingale, Michael Ryan, Joseph Rosa, Bridget Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Anna Elizabeth Sneider, Eliza Kelleher, William J. Nightingale, Margaret Coogan, Bridget L. Ryan, Elizabeth Overend, Thomas Dillon, Patrick Garrigan, Bridget F. Houston, Timothy Murphy, James McGeough, Otis Berge, James Hartford, and Ellen J. McArevey. Sullivan.....	52		
80	An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish. Gesford.....	52		
81	An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code in relation to insurance," approved April 1, 1878. Wilson.....	52		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
82	An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as Section 432. Wilson.....	52		
83	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as Section 1348, authorizing corporations to act as executor and in other capacities. Wilson.....	52		
84	An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and by amending Section 764 thereof, relative to the powers of the Board of Trustees of cities of the fifth class. Moffitt.....	52		
85	An Act to add new sections to an Act entitled "An Act to provide for analyzing the minerals, mineral waters, and other liquids, and the medicinal plants of the State of California, and of foods and drugs, to prevent the adulteration of the same." Moffitt.....	58		
86	An Act providing for the payment to D. Jordan for work and labor performed upon and materials furnished in the construction of the State Prison at Folsom. Goucher.....	58		
87	An Act to provide for the removal of the mineral cabinet from the State Library. Murphy.....	58		
88	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VIII thereof, to be known as Section 310. Yell.....	58		
89	An Act to appropriate money for the support of the California Home for the Care and Training of Feeble-Minded Children, from the first day of January, 1887, to the first day of July, 1887. Conklin.....	60		
90	An Act to authorize and empower the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children to build an addition to the Home, and to provide funds for the maintenance of said institution. Conklin.....	60		
91	An Act to amend Sections 1, 5, 6, 7, 8, 10, and 11 of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872. Dray.....	60		
92	An Act to prevent the spread of contagious diseases among sheep. Patterson.....	60		
93	An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State, to levy taxes for the maintenance of public parks having an area of over ten acres each, within their respective limits. Wilson.....	60	117	481
94	An Act relating to insurance, to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relating to insurance," approved April 1, 1878, and to add a new section thereto, to be known as Section 432. Wilson.....	60		
95	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as Section 1348, authorizing certain corporations to act as executor and in other capacities. Wilson.....	61		



Number	TITLE	Introduced	Passed Senate	Passed Assembly
96	An Act relating to insurance, to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, as amended by an Act entitled "An Act to amend the Political Code, in relation to insurance," approved April 1, 1878. Wilson .....	61		
97	An Act to provide for the payment for private property heretofore taken for public use. Wilson .....	61		
98	An Act to regulate fees of Clerks of Superior Courts of this State. Meany .....	61		
99	An Act to establish jury fees in Courts of record of the State of California. Meany .....	61		
100	An Act to amend Section 791 of the Political Code of the State of California, relating to Notaries Public. Crandall .....	61		
101	An Act to prevent injuries to navigable streams. Crandall .....	63	180	
102	An Act to amend Sections numbers 1593, 1612, and 1613 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to School Trustees. Gesford .....	64	180	619
103	An Act to enlarge the State Library by purchase, and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase. Briceland .....	64		
104	An Act to amend Section 1070 of the Penal Code, relating to peremptory challenges to jurors in criminal cases. Wilson .....	64		
105	An Act to amend Section 3702 of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor. Yell .....	64	210	472
106	An Act to amend Section 651 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary. Clunie .....	65	239	523
107	An Act to provide an additional Judge of the Superior Court of Tulare County. Roth .....	65	273	403
108	An Act to amend Section 1365 of an Act entitled "An Act to establish a Code of Civil Procedure," as amended in 1878, relative to the order of persons entitled to administer. Yell .....	67		
109	An Act entitled "An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization." Boggs .....	75		
110	An Act to amend Section 377 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the disposal of dead bodies and preservation of public health. Briceland .....	75		
111	An Act to amend Section 3084 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies. Briceland .....	75		
112	An Act to amend Section 3062 of, and to add a new section to, an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health. Briceland .....	75		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
113	An Act to amend Sections 3077, 3078, 3090, and 3682 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages. Briceland.....	75	390	541
114	An Act to amend Section 378 of an Act entitled "An Act to establish a Political Code," approved February 14, 1872, relating to the preservation of the public health and safety, and registration of births, deaths, and marriages. Briceland.....	76		
115	An Act entitled "An Act to prevent running, capping, and soliciting for attorneys at law in or around public Courts, Police Judges' Courts, City Prisons, or Superior Courts, in any county or incorporated city, or cities and counties." Conklin.....	76		
116	An Act to add Section 539 to Article II of the Political Code, relating to the office of Superintendent of State Printing, authorizing the Superintendent of State Printing to appoint a deputy. Goucher.....	76	214	564
117	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883. Goucher.....	76	432	
118	An Act to amend an Act entitled "An Act to amend an Act to incorporate the Town of Chico, Butte County, California," approved March 23, 1878. Jones.....	76		
119	An Act to add a new section to the Penal Code of the State of California, to be numbered Section 593, relating to barbed wire fences on public highways. Jones.....	76		
120	An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of said bonds. Jones.....	76		
121	An Act to amend Section 631 of the Code of Civil Procedure, relating to waiver of trial by jury. Jones.....	76	359	
122	An Act to add a new section to the Political Code, to be known as Section 3346, relating to the power of Boards of Supervisors of any city and county, or city, or town, having a population of one hundred thousand or more people, in this State, to make annual appropriation for the purpose of keeping in order burial grounds exclusively devoted to the interment of the deceased members of any organized order of exempt firemen therein. Sullivan.....	76		
123	An Act providing for the payment of the expenses of witnesses in criminal cases amounting to felony. Caminetti.....	76		
124	An Act to amend Section 160 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1882, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses. Caminetti.....	77		
125	An Act to add two sections, namely, Sections 1039 and 1040, to Chapter VI, Title VI, of Part II of the Penal Code of California, relative to the removal of criminal actions, and to provide for obtaining a jury from an adjoining county, in lieu of such removal, in certain cases. Caminetti.....	77		
126	An Act to propose an amendment to Section 1 of Article XIII of the Constitution, relating to revenue and taxation. Conklin.....	77		
127	An Act to amend Section 307 of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations. Murphy.....	77	432	551

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
128	An Act to provide for the public safety at steam railroad crossings and in streets and avenues used by street railroads, and for the granting of franchises to steam railroads in incorporated cities and counties, cities, or towns. Moffitt .....	78		
129	An Act to amend Section 1617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Hinshaw .....	78		
130	An Act to amend Section 1278 of the Political Code, relating to canvassing election returns, and to repeal Section 1279 of said Code. Haynes .....	78	270	617
131	An Act to amend Section 1070 of the Penal Code, relating to peremptory challenges. Haynes .....	78		
132	An Act to amend Section 1986 of the Code of Civil Procedure, relating to issuance of subpoenas. Haynes .....	78	540	
133	An Act to appropriate money to pay the claim of William Saunders for advertising certain swamp and overflowed lands, under the direction of the Surveyor-General, in 1875. Gesford .....	81		
134	An Act to amend Sections 2 and 8 of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. 14." Caminetti .....	81		
135	An Act to appropriate money for the payment of the claims of Robert T. Devlin and R. M. Clarken, for legal services in suits in which the State was interested. Caminetti .....	81		
136	An Act to add a new section to the Political Code of the State of California, to be numbered Section 4225, in relation to the duties of County Auditors. Caminetti .....	81	271	
137	An Act to amend Sections 1292, 1293, 1294, and 1295 of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor, and the duties of County Clerks in relation therewith. Caminetti .....	81	270	
138	An Act to amend Section 12, of Article XIII, of the Constitution. Dray .....	81		
139	An Act to amend Section 1, of Article XIII, of the Constitution. Dray .....	81		
140	A bill for an Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom, for the thirty-eighth fiscal year. Boggs .....	81	210	278
141	An Act to amend the Political Code of California, by adding thereto a new section, to be known as Section 635, prescribing the conditions precedent to conducting the business of solicitor of fire insurance, and defining the duties of the Insurance Commissioner and insurance companies in relation thereto. Jones .....	81		
142	An Act to amend Section 3607 of the Political Code of the State of California, relating to property subject to taxation. Yell .....	81		
143	An Act to amend Section 419 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to insurance corporations. Meany .....	81		
144	An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes. Langford .....	85	494	564

Number	TITLE	Introduced	Passed Senate	Passed Assembly
145	An Act to amend Sections 5, 6, 8, 9, 11, 17, 18, 23, and 26 of an Act entitled "An Act to define, regulate, and govern the State Prison of California," approved April 15, 1880. Boggs.....	85	407	500
146	An Act to establish, regulate, manage, and govern a State Industrial Home for Boys. Boggs.....	85		
147	An Act to prevent the spreading of fruit, fruit tree, and vine insect pests, and to provide for their extirpation. Rose.....	85		
148	An Act to amend Section 22 of an Act entitled "An Act to establish the California Home for the Care and Training of Feeble-Minded Children, and provide for the maintenance of the same," approved March 18, 1885. Conklin.....	85		
149	An Act to designate the quality of goods manufactured and prepared in the State of California, and to require manufacturers to stamp upon their manufactures the class of labor employed in their preparation. Sullivan.....	85		
150	An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition and distribution of waters thereby for irrigation purposes. Abbott.....	85		
151	An Act to amend Section 368 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to assignments of things in action. McCarthy.....	86		
152	An Act to amend Section 3571 of the Political Code, relating to Registers' certificates in cases where the title of purchasers of State lands fails. Sargent.....	86		
153	An Act to provide for the payment of the claims of R. C. Ball, as architect of the State Prison at Folsom, and to appropriate money for the purpose of such payment. Lenahan.....	86		
154	An Act to amend the title and Section 1 of an Act entitled "An Act concerning action for libel and slander," approved March 23, 1872, so as to have the said Act relate to actions for malpractice in surgery or medicine. Briceland.....	86		
155	An Act to amend Sections 497, 499, and 502 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroads and the sale of franchises therefor. Spellacy..	86		
156	An Act to amend an Act entitled "An Act to amend Section 6 of an Act concerning the waterfront of the City and County of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880. Clunie.....	86		
157	An Act to amend Sections 2522, 2524, 2528, and 2530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners. Clunie....	86	411	504
158	An Act to repeal Chapter CCCXNIX of the Political Code, relating to the establishment of a system of irrigation, and to promote rapid drainage, and improvement of the navigation of the Sacramento and San Joaquin Rivers. Langford.....	86		
159	An Act to protect the manufacturing industries of this State. Clunie.....	88		
160	An Act to amend Section 9 of an Act entitled "An Act for the promotion of the viticultural industries of the State in relation to donations of land suitable for experimental vineyards and stations, the improvement and management thereof," Caminetti..	88	127	564



Number	TITLE	Introduced	Passed Senate	Passed Assembly
161	An Act to amend Section 21 of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880. Gesford .....	92		
162	An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California. Goucher.....	92	319	526
163	An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Prison at Folsom for the thirty-seventh fiscal year. Boggs.....	92	211	278
164	An Act to provide for the painting of State buildings located at Sacramento, and to appropriate money therefor. Dray.....	92	267	588
165	An Act to amend Section 626 of the Penal Code, relative to fish and game. Sargent .....	92		
166	An Act to add a new section to the Code of Civil Procedure, to be numbered 466, relative to the pleadings, evidence, and costs in action upon policies of fire insurance, in certain cases. Hall .....	92		
167	An Act to amend Section 2643 of the Political Code, relating to the powers of Supervisors over roads in the several counties of this State. Hall.....	92		
168	An Act to propose an amendment to Section 2, of Article IV, of the Constitution of the State of California. Caminetti.....	92		
169	An Act to add a new section to the Code of Civil Procedure, relating to the Supreme Court. Caminetti.....	92		
170	An Act to amend Section 643 of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to the compensation of Fish Commissioners. Caminetti .....	92		
171	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Jones.....	93		
172	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as Section 1056, and to amend Section 1057 of said Act, relating to sureties on undertakings and bonds. Jones .....	93		
173	An Act to add a new section to the Code of Civil Procedure, to be known as Section 1129, relating to the sale of mortgaged premises by a Commissioner. Jones .....	93	358	
174	An Act to establish a uniform system of fees in the State of California, and to repeal all Acts and parts of Acts inconsistent therewith. Jones .....	93		
175	An Act to amend Sections 3494 and 3495 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public lands of this State. Moffitt.....	93		
176	An Act to amend Section 1313 of Chapter I, Title VI, of Division II, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by substituting in said section the word "issue" in lieu of the words "legal heirs," and by restraining the power of a testator as against his issue to devise or bequeath for charitable uses more than one third of his estate. White.....	93		
177	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to Article VI, of Chapter II, Title VIII, of said Code, to be known as Section 2290, relating to legal proceedings in cases of trusts. White.....	93		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
178	An Act to amend Section 266 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing for the punishment of seduction accompanied by means of false representations and pretenses, or other fraudulent means. White	93		
179	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter I, Title IX, of Part I, thereof, two new sections, numbered respectively 268 and 269, relating to the punishment of seduction and sexual intercourse, procured and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense. White.....	93		
180	An Act to amend Section 1110 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the party seduced to be corroborated in all cases arising or prosecuted under the provisions of Section 268 of said Code. White.....	94		
181	An Act to repeal an Act entitled "An Act entitled an Act to punish seduction," approved March 17, 1872. White.....	94		
182	An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of Supervisors in their general supervision over the roads within their respective counties. Langford .....	94		
183	An Act to amend an Act entitled "An act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 26 of said Act, relating to ordinances. Langford .....	94		
184	An Act to repeal an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872. Langford .....	94		
185	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto certain new sections constituting Title IV, Part IV, making municipal corporations liable for injury to property by mobs or riots, under certain circumstances, and providing a method for the ascertainment and payment of claims therefor. Haynes .....	94		
186	An Act to amend Sections 6, 8, 9, and 12 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add four new sections to said Act, to be known as Sections 13, 14, 15, and 7, and to repeal Section 7 of said Act. White .....	98		
187	An Act to create and maintain a Relief and Pension Fund in the Police Department of all cities in this State having a police force of ten or more members, and to provide for the administration of such fund. Sullivan .....	98		
188	An Act to amend an Act entitled "An Act to grant Boards of Health, or Health Officers, in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers," approved March 3, 1885, by amending Sections 1 and 2 thereof. Sullivan.....	98	337	517
189	An Act to amend an Act entitled "An Act to incorporate the City of Eureka," approved February 10, 1874, and to change the boundaries of said city. Haynes.....	99		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
190	An Act appropriating the sum of forty thousand dollars to erect two buildings for the purpose of furnishing dormitories and dining-rooms for the male and the female adult blind inmates at the Home for the Adult Blind. Moffitt .....	99	213	535
191	An Act appropriating the sum of twenty-eight thousand five hundred dollars for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California. Moffitt .....	99	226	535
192	An Act appropriating the sum of eighty thousand and sixty-four dollars for the support of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California. Moffitt....	99	263	523
193	An Act to amend Section 261 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the crime of rape. Conklin .....	99	435	
194	An Act making appropriation for the purchase of additional jute machinery and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto. Boggs .....	101	370	617
195	An Act to create an Irrigation, Drainage, and Water Rights Legislation Commission, to define its powers and duties, and to provide for payment of its costs and expenses. Clunie.....	101	163	
196	An Act to amend Section 1624 of the Civil Code, as amended by an Act entitled "An Act to amend Section 1624 of the Civil Code," approved March 9, 1876. Clunie .....	101		
197	An Act to propose an amendment to Section 7, of Article IX, of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities. Gersford .....	103		
198	An Act to provide for the deficiency in the appropriation for payment of rewards for the arrest and conviction of highway robbers, during the thirty-sixth fiscal year, offered by the Governor. Yell.....	103	505	
199	An Act prohibiting savings banks or savings and loan societies, and the attorneys, counsel, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies. Pinder.....	103		
200	An Act to amend Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, and amended by an Act approved March 18, 1885, relating to the compensation of county officers in counties of the third class. Crandall .....	107		
201	An Act to appropriate money to pay the claim of R. F. Del Valle. Meany .....	107		
202	An Act to appropriate money to pay the claim of Benj. Knight. Meany .....	107		
203	An Act to appropriate money to pay the claim of W. F. Brown, or his executors or administrators. Meany.....	107		
204	An Act to appropriate money to pay the claim of B. F. Langford. Meany .....	107		
205	An Act to appropriate money to pay the claim of E. T. Wilkins. Meany .....	107		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
206	An Act to amend Section 2 of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural districts, and for the management and control of the same by the State, and to create an additional district, to be numbered District No. —. Roth .....	107		
207	An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year. Pinder .....	107	211	618
208	An Act to pay the claim of J. S. Lottritz. Clunie .....	107		
209	An Act to provide for the recording of conditional bills of sale. Clunie .....	107		
210	An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department. Clunie .....	107		
211	An Act to provide for the better protection of life and limb, and to guard against accidents on street and cable roads, by the use of safety guards, and to punish negligence. McDonald .....	107		
212	An Act to amend an Act entitled an Act to establish a uniform system of county governments, approved March 14, 1883. Hinshaw .....	107		
213	An Act to amend Sections 2433, 2436, 2440, and 2443, of Article V, of the Political Code, relating to pilots and Pilot Commissioners, and 2457, 2460, 2462, 2465, 2466, and 2467, of Article VI, of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia. Yell .....	108		
214	An Act to amend Section 343 of the Political Code, relating to the number and designation of the civil executive officers of the State. Caminetti .....	108	435	472
215	An Act to prevent and punish fraud in regard to the kind of labor employed in the manufacture of cigars, boots and shoes, clothing, and other goods, and in the raising, handling, packing, and preserving of agricultural and animal products, and in other industries. Clunie .....	109		
216	An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof. Clunie .....	111	343	451
217	An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide for its organization, and for maintaining the same. Gesford .....	112		
218	An Act making appropriation for deficiency in the appropriation for salary of the Secretary of the State Engineer, for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years. Langford .....	113		
219	An Act to prevent the sophistication and adulteration of wine. Caminetti .....	113	318	459



Number	TITLE	Introduced	Passed Senate	Passed Assembly
220	An Act to appropriate moneys to aid in erecting a monument to Commodore John D. Sloat, and to prescribe the duties of the Controller in relation thereto. Sargent.....	116		
221	A Constitutional Amendment, to propose to the people of the State of California an amendment to the Constitution of the State, relative to the election of Senators and members of the Assembly. Steele.....	116		
222	An Act to confine the power to impose license taxes in incorporated cities and towns, other than consolidated cities and counties, to the corporate authorities of such cities and towns. Moffitt.....	116	358	
223	An Act entitled an Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by amending Section 1218 thereof, relating to and concerning contempt of Court, and the punishment thereof. Chandler.....	116	185	
224	An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 18, 1885, relating to salaries of officers in counties of the sixth class. Hinshaw.....	117		
225	An Act to appropriate money for the relief of J. C. Doherty. McCudden.....	118		
226	An Act to provide for the erection of a monument in the State Cemetery over the grave of the late William Irwin, ex-Governor of California, and to appropriate money therefor. Goucher.....	119		
227	An Act to regulate the practice of pharmacy and the sale of medicines and poisons, to provide for the inspection of drugs and medicines, and to prevent and punish the adulteration of the same. Murphy.....	119		
228	An Act to amend Section 635 of the Penal Code, relating to violations of the law for the preservation of fish. McDonald.....	119		
229	An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and to add certain sections thereto and repeal certain sections thereof. Crandall.....	119		
230	An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to revenue and taxation. Lenahan.....	119		
231	An Act to amend Section 1858 of an Act entitled "An Act to establish a Political Code," approved March 11, 1872, relating to apportionment of school moneys. Hinshaw.....	119	281	617
232	An Act to provide one additional Judge of the Superior Court of the County of Fresno, State of California. Goucher.....	124	429	517
233	An Act to provide for compensating certain parties for improvements within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to appropriate money therefor. Goucher.....	124		
234	An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California. Goucher.....	124	439	557
235	An Act relative to foreign insurance companies, and duties of the Insurance Commissioner. Goucher.....	125		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
236	An Act entitled "An Act to amend an Act to form agricultural districts, to provide for the organization of agricultural associations, and for the management and control of the same by the State," approved April 15, 1880. Byrnes.....	125		
237	An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 444, 1625, and 1682, respectively, in relation to the duties of Controller and Trustees of school districts as to apportionment of moneys, the enrollment of pupils in the grammar school course, and to provide for the same; and to amend Sections 1532, 1533, 1543, and 1696 of said Act, in relation to pupils enrolled in the grammar school course, the duties of the Superintendent of Public Instruction, County Superintendents, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor. Caminetti.....	125	268	526
238	An Act to amend Section 1773 of "An Act to establish a Political Code," approved March 12, 1872, in relation to the examination of applicants to teach in the public schools. Caminetti.....	125		
239	An Act to amend Section 1771 of "An Act to establish a Political Code," approved March 12, 1872, in relation to the powers of County Boards of Education. Caminetti.....	125	356	
240	An Act to authorize the State Treasurer to transfer the sum of three thousand three hundred and six dollars and seventy-two cents from the State Drainage Construction Fund to the General Fund, to reimburse the General Fund in that amount for moneys paid from it upon outstanding warrants against the State Drainage Construction Fund, under an Act of the Legislature approved March 10, 1885, entitled "An Act to appropriate money to pay indebtedness incurred under an Act entitled 'An Act to promote drainage,'" approved April 23, 1880. Caminetti.....	125	291	
241	An Act to authorize the Controller to draw his warrant in favor of the Treasurer for the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents, and requiring the Treasurer, in the presence of the State Board of Examiners, to destroy receipts for that amount in his possession, given to various County Treasurers by W. A. January, late State Treasurer, for moneys left with him by them. Caminetti.....	125	506	
242	An Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by adding a new section thereto, to be numbered Section 268, relative to the seduction of unmarried females under the age of twenty years. Sargent.....	125		
243	An Act to provide for an improvement of the State Capitol, and for an appropriation to pay for the same. Hinshaw.....	126	210	266
244	An Act to amend Section 385 of the Political Code of the State of California. Clunie.....	126		
245	An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1188, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1200, 1201, 1202, and to repeal Section 1203 of an Act of the Legislature of the State of California entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, all relating to liens of mechanics and others. Clunie.....	126		
246	An Act for the relief of Wilson Delletta, for personal injuries sustained by him while in the employ and service of the State, together with accompanying documents. Murphy.....	126		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
247	An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State Board of Arbitration. Wall-rath .....	126		
248	An Act to amend Section 198 of "An Act to establish a Code of Civil Procedure," approved March 21, 1872, in relation to the qualifications of jurors. Caminetti .....	126		
249	An Act for the relief of Esther H. Dennis. Sullivan .....	126		
250	An Act to amend Section 374 of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the place where taxes may be paid. Dray .....	131		
251	An Act to encourage immigration, and to authorize the appropriation of money therefor. Dray .....	131		
252	An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 18, 1885, relating to the salaries of officers in counties of the second class. Dixon .....	134		
253	An Act to amend Section 528 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the printing of the laws of the State of California. Abbott .....	134		
254	Constitutional Amendment—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department. The Legislature of the State of California, two thirds of all members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that Sections 1, 2, 3, 4, and 12, of Article VI of the Constitution of the State of California, be respectively amended so as to read as follows. Crandall .....	134		
255	An Act to amend Section 1422 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, regarding reprieves, commutations, and pardons, and to more effectively regulate the procedure relating thereto. White .....	134		
256	An Act to amend Section 172 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883. McCudden .....	134		
257	An Act to prevent policemen from interfering in politics in all cities and towns in this State having a police force of more than ten and less than two hundred members, and to prevent the removal from office of police officers or officers of police, for political or partisan causes, reasons, or purposes. Moffitt .....	134		
258	An Act to add a new section, to be numbered 425, and to amend Section 413 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Jones .....	134		
259	An Act to amend Section 1431 of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to change of place of trial in Justices' Courts. Jones .....	134		
260	An Act to amend Sections 3452, 3453, and 3454 of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation in reclamation districts of this State. Langford .....	135		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
261	An Act to add a new chapter to the Civil Code of the State of California, to be known as Chapter VIII, of Title XIV, of Part IV, of Division III, and add sections to said Code, to be known as Sections 3081 and 3082, relating to the duties and liabilities of persons carrying on business as pawnbrokers or pledgees. Mosley.....	145		
262	An Act to amend Section 163 of an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1885, relating to the qualifications and salaries of county and township officers in counties of the sixteenth class. Yell.....	135		
263	An Act to appropriate moneys to aid in erecting a monument to James W. Marshall, and to prescribe the duties of the Controller and State Board of Examiners in relation thereto. Caminetti....	135		
264	An Act to add a new section to an Act to establish a Political Code, approved March 12, 1872, to be numbered Section 1669, in relation to the manner in which studies shall be taught in the grammar course and grammar grade, and prescribing the duties of teachers, principals, and County Superintendents in relation thereto. Caminetti.....	135		
265	An Act to amend an Act entitled an Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof, approved March 18, 1885, in relation to the salary of officers. Caminetti.....	135	433	596
266	An Act to amend Sections 2210, 2211, 2212, and 2213, of the Political Code. Goucher.....	135		
267	An Act to appropriate money to pay the contingent expenses of the Senate for the twenty-seventh session of the Legislature. Moffitt.....	140	166	173
268	An Act to make an appropriation for the payment of water supplied to the State Prison at San Quentin by Marin County Water Company, from November 1, 1877, to December 1, 1881. Abbott....	148		
269	An Act to repeal "An Act concerning corporations and persons engaged in the business of banking," approved April 1, 1876, requiring publication of semi-annual statements by the banks. Boggs.....	148		
270	An Act to amend an Act entitled "An Act making an appropriation for the establishment of a penitentiary for the purpose of jute to be manufactured at the State Prison at San Quentin," approved March 9, 1885, and making an additional appropriation therefor. Boggs.....	148	211	440
271	An Act to encourage and provide for a general vaccination in the State of California. Briceland.....	148		
272	An Act to amend Chapter III of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the incorporation and government of cities having a population of more than thirty thousand and not exceeding one hundred thousand. White.....	148		
273	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to Part I, Title IX, and Chapter VII, thereof, to be known as Section 1389, for the prevention of minors being employed by telephone companies or special delivery companies to deliver notes or messages to houses of prostitution or places of questionable repute. McCudden.....	149	420	617
274	An Act making appropriations for the erection of buildings, and for other improvements at the State Prison at San Quentin. Jones....	149	321	



Number	TITLE.	Introduced	Passed Senate	Passed Assembly
275	An Act to amend Section 3571 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public lands. McCudden .....	149		
276	The Legislature of the State of California, at its session beginning on the third day of January, A. D. 1887, hereby proposes that Section 10, Article XIII, of the Constitution of the State of California, be amended so as to read as follows. Yell .....	149		
277	An Act to amend Section 1021 of the Code of Civil Procedure of this State. McCarthy .....	149		
278	An Act to amend Section 1241 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads. McCarthy .....	149		
279	An Act to amend Section 3442 of the Political Code of the State of California, relating to preferred purchasers of public lands. Langford .....	160		
280	An Act to authorize the Board of Supervisors of the City and County of San Francisco to examine into, adjust, and pay the claim of Thomas Day, of the City and County of San Francisco, for damages done to, and injuries suffered by, certain real property of the said Day, situated on the north side of Harrison Street, between Second and Third Streets, in said city and county, by reason of the modification of the grade of said Second Street, between Howard and Bryant Streets, had and made pursuant to the Act of the Legislature of the State of California, approved March 30, 1868, and entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets." Lenahan .....	160		
281	An Act to amend Section 1951 of the Code of Civil Procedure, relating to instruments acknowledged or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof. Jones .....	160		
282	An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883. Sargent .....	160		
283	An Act to amend an Act entitled "An Act to appropriate the sum of thirty-four thousand four hundred and nineteen dollars and forty cents to pay the amount found by the Sixth Judicial Court to be due Mr. Miles and his sureties, for work done under contract in building the State Prison at Folsom," approved March 10, 1885. Sullivan .....	161		
284	An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane. McCudden .....	161	291	331
285	An Act to amend Section 1858 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the manner of apportioning the State School Fund. McCudden .....	161		
286	An Act to add a new section to the Political Code of California, to be numbered 1508, relating to diplomas granted by the Board of Trustees of the State Normal School, and by the Board of Trustees of the Branch State Normal Schools in this State. McCarthy .....	161		
287	An Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year. Moffitt .....	161		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
288	An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876. Wilson.....	161		
289	An Act to amend Sections 1187, 1188, and 1191 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to uniformity of tickets. Wilson.....	161		
290	An Act to appropriate the sum of two thousand seven hundred and twenty-five and twenty one hundredths dollars to Wells, Fargo & Co.'s Bank, for advances made to the State Mining Bureau upon the order of Henry G. Hanks, Esq., while State Mineralogist. Clunie.....	161		
291	An Act to prevent fraud and imposition in the manner of stamping and labeling produce and manufactured goods. Clunie.....	161	336	439
292	An Act to amend Section 3360 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to damages in cases of libel or slander. Vrooman.....	161	517	
293	An Act fixing a standard time. Vrooman.....	162		
294	An Act to amend Section 359 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to corporations. Vrooman.....	162	336	
295	An Act entitled an Act to amend Article XV of the Political Code of the State of California, relating to the inspection of gas and water meters in cities, or cities and counties, of the State of California, having a population of twenty thousand and upward. Clunie.....	171		
296	An Act to amend Section 2281 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf, Dumb, and Blind Asylum. Moffitt.....	171		
297	An Act to amend Section 307 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to opium smoking. Gesford.....	171		
298	An Act to amend Section 73 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time when and place where sessions of the Superior Court shall be held. White.....	171		
299	An Act entitled an Act providing for the prevention of conflagrations and the protection of property saved from fire, in all cities, or cities and counties, whose population exceeds one hundred thousand inhabitants. Sullivan.....	171		
300	An Act relating to interest. Sullivan.....	171		
301	An Act to amend Sections 339 and 341 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning pawnbrokers, their duties and liabilities. Sullivan.....	171		
302	An Act for the remuneration of Elisha O. Crosby for money advanced to and for the State of California. Dixon.....	171		
303	An Act for the relief of the heirs of the estate of George Horton, deceased, Maria Horton, administratrix, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, State of California. Meany.....	171		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
304	An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant. Meany.....	171	360	481
305	An Act for the relief of Esther H. Dennis. McCarthy.....	171		
306	An Act to amend Sections 10 and 11 of the Political Code, relative to legal holidays. Caminetti.....	171		
307	An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880. Yell.....	171		
308	An Act to repeal an Act entitled "An Act concerning corporations and persons engaged in the business of banking," approved April 1, 1876, relating to banking corporations. Jones.....	172		
309	An Act to amend Section 202 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to jurors. Wilson.....	172		
310	An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year. Goucher.....	175	394	594
311	An Act to aid the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, and to appropriate money therefor. Goucher.....	175	407	616
312	An Act to provide a water supply for the hotel constructed in Yosemite Valley under Act of March 9, 1885, and to appropriate money therefor. Goucher.....	175	393	616
313	An Act prescribing the powers, duties, and rights of corporations, companies, associations, or persons furnishing water to any city and county, city, or town, or to the inhabitants thereof, and to regulate water rates. Goucher.....	175		
314	An Act to amend Section 502 of the Penal Code. Lenahan.....	175		
315	An Act providing for the payment to John L. Cooke and William Gutenberger, for work and labor performed upon and materials furnished in the construction of the Branch State Prison at Folsom. McCarthy.....	175		
316	An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by adding thereto a new section, to be known as Section 2554, relating to the powers and duties of the Board of State Harbor Commissioners. Hinshaw.....	175		
317	An Act to establish a State Board of Charities and Reform, to prescribe the duties thereof, and to provide for their compensation and expenses. Meany.....	175		
318	An Act to provide a Contingent Fund for the Assembly, for the twenty-seventh session of the Legislature. Dray.....	176		
319	An Act to provide a water supply for the hotel constructed in Yosemite Valley under Act of March 9, 1885, and to appropriate money therefor. Goucher.....	176	393	
320	An Act to amend an Act entitled an Act to protect public health from infection caused by exhumation and removal of remains of deceased persons. Gesford.....	182		
321	An Act to amend an Act, approved March 14, 1885, entitled an Act to amend Section 164 of an Act to establish a uniform system of county and township governments, approved March 14, 1883. Roth.....	182		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
322	An Act to amend Sections 628, 630, and 631 of the Civil Code, relating to the incorporation of gas companies. Pinder .....	182		
323	An Act to amend Sections 181 and 190 of an Act to establish a uniform system of county and township governments, approved March 11, 1883, amended March 19, 1885, in relation to Assessors and Deputy Assessors, and providing compensation for such Deputy Assessors, in counties of the nineteenth and twenty-eighth classes. Caminetti.....	182		
324	An Act proposing an amendment to Section 1, Article XIII, of the Constitution of California, with reference to the exemption of certain property from taxation. Meany .....	183		
325	An Act to amend Section 1 of an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872, and to more clearly define the time within which a foreign corporation may designate a person on whom process can be served. White .....	193		
326	An Act to appropriate money to pay the claims of A. L. Rhodes and D. M. Delmas for services rendered to the State in prosecuting, on behalf of the people of the State of California, certain causes, commonly known as the California railroad tax cases. White .....	194		
327	An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay. Haynes .....	194	436	526
328	An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse, to be used for the storage of the same, authorizing the appointment of a storekeeper to have care and custody of said text-books, and appropriating money to pay the expense of erecting said warehouse and the salary of such storekeeper. Langford .....	194	336	617
329	An Act to amend Section 6 of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1889, and to create a new district, to be numbered fifteen. Bowers.....	194		
330	An Act to ascertain the loss and damage suffered and sustained by the Coulterville and Yosemite Turnpike Company, a corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company. Jones .....	194	467	
331	An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same. Dray .....	194		
332	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1883, and to add to Article II, of Section 4045, relative to the general permanent powers of Boards of Supervisors, and fixing licenses. Byrnes .....	194		
333	An Act to protect life and property against the careless and malicious use or handling of dynamite and other high explosives. Vrooman .....	194	291	571
334	Constitutional Amendment—to propose to the people of the State of California an amendment to the Constitution of the State, relative to irrigation. Walrath.....	194		



Number -----	TITLE.	Introduced --	Passed Senate	Passed Assembly -----
335	An Act to amend Sections 939, 943, and 963 of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to appeals in general and to the Supreme Court. Wilson.....	195		
336	An Act for the destruction of wolves and coyotes, and to authorize a bounty to be given by the State to encourage such destruction, to any person who shall kill a wolf or coyote. Yell.....	195	539	
337	An Act to add a new section to the Political Code, to be known as Section 3200, relating to trademarks. Goucher.....	196		
338	An Act to establish a uniform State, county, and municipal license tax for the sale of spirituous liquors, malt, and fermented liquors, and wines in less quantities than five gallons. McCarthy.....	196		
339	An Act establishing a Court for the investigation of claims against the State of California, defining its jurisdiction, regulating its procedure, and appropriating money therefor. Vrooman.....	197		
340	An Act to amend an Act entitled an Act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums, approved March 3, 1885, by adding a new section thereto. Murphy.....	204	270	364
341	An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny. Pinder.....	204	356	617
342	An Act authorizing the incurring of indebtedness by cities incorporated under the laws of this State. Crandall.....	209	413	517
343	An Act to add two new sections to the Political Code, to be known and numbered as Section 3200 and 3201, relating to trademarks, the use and adoption of the same, and the persons who, and the manner by which said trademarks and the rights thereunder may be protected. Goucher.....	209	336	588
344	An Act for the relief of Bartolo Sepulveda. Conklin.....	209		
345	An Act to amend Section 25 of an Act to establish a uniform system of county and township governments, approved March 14, 1883. Hall.....	209		
346	An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year. Caminetti.....	209	504	
347	An Act to pay the claim of J. W. Rock for the construction of a steam launch. Caminetti.....	209	515	594
348	An Act to amend Section 963 of the Code of Civil Procedure of the State of California. Jones.....	209		
349	An Act to retain experienced teachers in the service of the State. Vrooman.....	209		
350	An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of text-books, and appropriating money therefor. Vrooman.....	209		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
351	An Act to amend Section 376 and Section 377 of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to cases where an action may be maintained for injury or death caused by the wrongful act or neglect of another, and relating to the persons who may maintain such action, and concerning the measure of damages in such cases, and providing for compromises and settlement of such claim by executors and administrators in certain cases. White.....	209		
352	An Act to provide for the establishment of Police Courts in all cities of this State containing over ten thousand and less than one hundred thousand inhabitants, to prescribe the duties of the Judge of such Court, to provide for the compensation of the Judge thereof, and the disposition of fines and forfeitures by him collected, and to provide for the election and appointment of such Judge. White.....	209		
353	An Act to amend Section 167 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to the compensation of county and township officers, and to fix and limit the fees and compensation of Justices of the Peace and Constables in criminal cases, in counties of the fifth class. White.....	210		
354	An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year. Boggs.....	213	334	439
355	An Act to provide compensation for Tax Collectors and License Collectors performing service in the collection of taxes imposed by law upon the issuance of certificates of stock corporations. Goucher.....	214		
356	An Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year. Moffitt.....	223	505	
357	An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year. Moffitt.....	223	505	594
358	An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-sixth fiscal year. Moffitt.....	223	504	
359	An Act to amend Section 634 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the taking of salmon. McCudden.....	223	467	
360	An Act to amend Section 3440 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the presumption of fraud in certain transfers. McCudden.....	223		
361	An Act amendatory of an Act entitled an Act to enable John Hoagland, James Reed, Mrs. Rebecca C. Hoagland, George Cooper, William B. Todhunter, Mrs. Mary W. G. Van Arsdall, Henry Lienberger, Christopher Green, and Charles Trainer, to sue the State of California, approved March 12, 1885. Clunie.....	223		
262	An Act to repeal Sections 632 and 633 of the Code of Civil Procedure, to substitute a new section therefor, and relating to the subject of findings. Clunie.....	223		
263	An Act to add a new section to the Penal Code, to be known as Section 537, relative to cheats. Clunie.....	223		
364	An Act to amend Section 939 of the Code of Civil Procedure of California, upon the subject of appeals. Clunie.....	223		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
365	An Act to amend Section 2655 and to repeal Sections 2652 and 2671 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, all of said sections relating to road taxes. Gesford.....	223		
366	An Act to amend Section 487 of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the crime of larceny. Wilson.....	224		
367	An Act to repeal Section 491 of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the crime of larceny. Wilson.....	224		
368	An Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by adding three new sections, to be known as Sections 299, 300, and 301, relating to observance of Sunday. Steele.....	224		
369	An Act to amend Section 168 of an Act entitled an Act to establish a uniform system of county and township governments, approved March 14, 1883, amended March 18, 1885, relating to salaries of officers in counties of the sixth class. Hinshaw.....	224		
370	An Act to add a new section to the Political Code of this State, to be known as Section 4125, relating to elections and the registration of voters. Sargent.....	224		
371	An Act to add a new section to the Political Code of this State, to be numbered 844, relative to the qualifications of the District Attorneys of the counties of this State. Sargent.....	224		
372	An Act to amend Section 1469 of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to the duty of the Court in probate cases, to make provision for the family of the decedent, and to set apart the property of the decedent when the inventory shows the value of the estate not to exceed one thousand five hundred dollars, and to provide for the vesting of the title of the property so set apart. White.....	224		
373	An Act to amend Section 408 of the Code of Civil Procedure of the State of California, relative to the issuance of alias summons. White.....	224		
374	An Act relating to the compensation of Court Reporters in counties of the eighth class. Walrath.....	224	438	617
375	An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature, in relation thereto. Caminetti.....	226	533	
376	An Act to regulate and fix the charges and fees of Sheriffs throughout the State of California, for keeping property. Caminetti.....	231		
377	An Act to repeal an Act entitled an Act to declare the Klamath River navigable. Briceland.....	238		
378	An Act to establish a Home of Industry and Refuge for ex-Convicts, and provide for the maintenance of the same. Dray.....	238		
379	An Act to amend Sections 2909 and 3913 of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties. Haynes.....	238		
380	An Act to amend Section 330 of the Penal Code of California, relating to gaming. Dixon.....	238		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
381	An Act to pay the claim of Richard O'Connor, for the permanent injury to his horse. McCarthy .....	238		
382	An Act to create a permanent Code Commission. Vrooman .....	238		
383	An Act to appropriate money to pay the claim of Max Gumpel, for services rendered to the State as an expert during the trial of John S. Gray. Spellacy .....	238		
384	An Act for the relief of James Toohey, whose property has been taken and destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall along the port of San Francisco, in the State of California. Pinder .....	238		
385	An Act to amend Sections 2 and 11 of an Act entitled "An Act to amend Sections 3, 4, 9, and 11 of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,'" approved April 15, 1880, so as to create an additional district. McCudden .....	238		
386	An Act to provide for compensating certain parties for improvements within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to appropriate money therefor. Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove .....	245		
387	An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor. Conklin .....	245	312	439
388	An Act to appropriate money to aid the San Francisco Girls' Union, an incorporated society, in establishing a manual training school for the self-dependent girls of California. Steele .....	245		
389	An Act to add two new sections to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as Sections numbers 180 and 181, relating to offenses against public justice. Committee on Chinese and Chinese Immigration .....	254	296	
390	An Act to create the County of San Leandro, to define its boundaries, and to provide for its organization. Moffitt .....	254		
391	An Act to provide for and regulate the collection of wharfage, and to abolish the collection of tolls by the Board of State Harbor Commissioners on the waterfront of the City and County of San Francisco. Clunie .....	254		
392	An Act to authorize the Board of State Harbor Commissioners to execute leases of lands belonging to the State within their jurisdiction and control. Clunie .....	254		
393	An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands and lands within their jurisdiction, along the waterfront line of the City and County of San Francisco, and to regulate the use of the same. Clunie .....	254		
394	An Act providing for the construction of fishways, defining the duties of Clerks of the Board of Supervisors in relation thereto; also, of the Board of Supervisors of the different counties in the State; also, of owners of dams across rivers or streams, and fixing certain penalties for a failure to conform to the provisions thereof. Caminetti .....	254		
395	An Act providing for the construction of fishways. Caminetti .....	254		



Number	TITLE	Introduced	Passed Senate	Passed Assembly
396	An Act to amend Section 1474 of the Code of Civil Procedure of the State of California. Gesford .....	254		
397	An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885. Hall .....	255		
398	An Act to promote correct conveyancing. White .....	255		
399	An Act to regulate the management and control of irrigating ditches. White .....	255		
400	An Act to amend an Act entitled "An Act for the protection of miners," approved March 16, 1872. Goucher .....	255		
401	An Act to prevent cattle and live stock from running at large on the public roads and highways of this State. Goucher .....	255		
402	An Act to provide for the payment to the estate of Miss Aurelia Pfeiffer for water taken and appropriated from her land by the State University at Berkeley. Wilson .....	255		
403	An Act to amend Section 92 of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to causes for divorce, and to add a new section to said Code, to be numbered 108, relating to the effect of confinement in the California Hospital for the Chronic Insane upon an application for divorce, and regarding the rules of evidence in such cases. White .....	261		
404	An Act to regulate the manufacture of canned goods, and compel the stamping thereon of the date of canning. Spellacy .....	261		
405	An Act relating to the dissolution and modification of injunctions, and amending Sections 530 and 532 of the Code of Civil Procedure. Wilson .....	261		
406	An Act making an appropriation for a deficiency in the appropriation for the salary of the Phonographic Reporter of the Supreme Court, for the thirty-eighth fiscal year. White .....	267		
407	An Act to repeal an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California," approved February 20, 1872. White .....	267		
408	An Act to appropriate money to pay the rent of the Hastings College of Law from December 1, 1885, until June 30, 1887. Wilson ..	272	349	439
409	An Act to amend Sections 752, 755, 758, 763, 764, 765, 766, 767, 769, 771, 772, 773, 777, 778, 786, 788, 789, and 790 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 14, 1883. Dixon .....	279		
410	An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children. Crandall .....	279		
411	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto a new section, to be known as Section 2696, relating to proceedings for procuring land for the purpose of raising the banks of streams in order to more effectually protect public roads and highways. Conklin ..	279		
412	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals to the Supreme Court. White .....	279		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
413	An Act for the relief of I. W. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck. Hinshaw .....	279		
414	An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-seventh fiscal year. Moffitt .....	279		
415	An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-eighth fiscal year. Moffitt .....	280		
416	An Act to amend Section 2349 of the Political Code. Spellacy .....	280		
417	An Act to amend Sections 1352, 1370, and 1751 of an Act entitled an Act to establish a Code of Civil Procedure, adopted March 11, 1872, relating to the disabilities of married women to act as executors, administrators, or guardians. Clunie .....	283		
418	An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year. Byrnes .....	283	543	
419	An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of San Mateo County, for delivering certain insane persons at the Asylum for the Insane at Stockton, for the twenty-fourth fiscal year. Byrnes .....	284	543	617
420	An Act to protect the manufacturing industries of this State, and to punish persons using false labels on goods manufactured in this State. Crandall .....	290		
421	An Act to appropriate the sum of one thousand eight hundred and thirty-seven dollars and thirty-seven cents for deficiencies for the support of the State Board of Forestry, for the thirty-eighth fiscal year. Rose .....	290	507	
422	An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year. Moffitt .....	290	494	594
423	An Act to amend Section 1257 of the Political Code of the State of California, relating to counting of ballots at elections. Wilson .....	290		
424	An Act to amend Sections 2684, 2688, and 2689 of the Political Code, relating to the laying out, altering, and discontinuing roads. Roth .....	290		
425	An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant, commanding Company "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company. McCudden .....	299	468	595
426	An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885. Hinshaw .....	304	531	616
427	An Act to amend Section 28 of an Act entitled "An Act to regulate fees of office, and to repeal certain other Acts in relation thereto," approved March 5, 1870, as amended March 1, 1872. Meany .....	304		
428	An Act to add a new section to the Political Code, to be numbered Section 3235, relating to the furnishing of supplies, under contract, to all public institutions under the control of the State, or of any county, city and county, city, or town thereof. Clunie .....	306	515	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
429	An Act to repeal Section 306 of the Civil Code of the State of California, relating to the election of Directors of corporations. Wilson .....	306		
430	An Act to provide for the completion of all unfinished county buildings in the several counties, cities and counties, cities, and towns throughout the State of California. Murphy .....	316	368	552
431	An Act to appropriate money to prevent the introduction of contagious and infectious diseases. Briceland .....	316	370	440
432	An Act to amend an Act entitled an Act to regulate fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March 5, 1870. Hall .....	316		
433	An Act to amend Section 1696 of the Code of Civil Procedure .....	316		
434	An Act to amend the Penal Code of California by adding thereto two new sections, to be known and numbered 420 and 421, relating to interference with laborers. Vrooman .....	319		
435	An Act authorizing the incurring of indebtedness by cities incorporated under the laws of this State. White .....	319		
436	An Act to establish a State Board of Charities and Reform, to prescribe the duties thereof, and to provide for their expenses. Steele .....	319		
437	An Act to amend Section 2969 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to preventing the bringing into the State persons affected with leprosy or insanity, or such other persons as by reason of their condition are liable to become a charge upon the State, and to provide for the deportation of the same. Caminetti .....	331	496	617
438	An Act to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, and the Act amendatory thereof, approved April 6, 1880, in relation to homesteads, by amending Section 1241 of said Civil Code. Jones .....	345		
439	An Act to amend Section 944 of an Act entitled "An Act to establish a Code of Civil Procedure," providing how judgments granting perpetual injunctions may be stayed pending an appeal. Goucher .....	353		
440	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, by adding thereto a new section, to be numbered 534, providing for the dissolution of injunctions. Goucher .....	353		
441	An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor. Dray .....	362		
442	An Act to provide for the submission of such proposed amendments to the Constitution of the State as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California, at the session beginning on January 3, 1887, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, 1887. Vrooman .....	377	414	618
443	An Act to amend Section 8 of an Act entitled an Act to provide for the future management of the Napa State Asylum for the Insane, approved March 6, 1876, relating to the resident and assistant physicians. Patterson .....	429	504	552

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
444	An Act to amend Section 2137 of the Political Code, relating to the powers and duties of the Board of Directors of the State Insane Asylum at Stockton. Goucher.....	436	508	
445	An Act to amend Section 626 of an Act entitled an Act to establish a Penal Code, approved March 21, 1872, relating to preservation of game and fish. Sargent.....	436		
446	An Act to appropriate money to meet the contingent expenses of the Senate for its twenty-seventh session. Moffitt.....	450	450	588
447	An Act appropriating money to meet the deficiency in the appropriation to pay the per diem and mileage of the Lieutenant-Governor and State Senators for the twenty-seventh session of the Legislature. Moffitt .....	450	450	526
448	An Act to appropriate the sum of five thousand dollars, to pay the expenses and disbursements to be incurred and made in maintaining the rights of the State in litigation now pending in or which may come before the Supreme Court of the United States, to which the State is or shall be a party, or in the determination of which the State is or shall be interested. White.....	481	503	595
449	An Act to appropriate money for salaries of additional clerks in the Controller's office. White.....	481	503	588
450	An Act to pay the officers and men of the Second Brigade of the National Guard of California, for guard duty performed by them in obedience to the orders of the Governor and Commander-in-Chief, from December 19, 1886, to January 31, 1887, both days inclusive. Vrooman .....	511	512	594
451	An Act allowing the Board of Directors of the Industrial Home of the Adult Blind to use the moneys received from the sale of manufactured goods and wares, for the purchase of raw material and the expenses attending its manufacture. Bowers.....	551	563	
452	An Act making an additional appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin. Boggs.....	557		
453	An Act appropriating money to meet the contingent expenses of the Senate, for the twenty-seventh session. Meany.....	568	569	
454	An Act to provide for the submission of certain proposed amendments to the Constitution of the State hereinbefore named, and which have been proposed and adopted by the Legislature of the State of California, at the session beginning on January 3, 1887, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, 1887. Vrooman .....	610	615	
455	An Act to provide compensation for the Tax Collectors in the several counties of the State of California, for services in the collection of license taxes. Caminetti.....	611	623	



## SENATE CONSTITUTIONAL AMENDMENTS.

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
1	An Act to propose an amendment to Section 1, of Article XIII, of the Constitution, relating to revenue and taxation. Conklin.....	77	373	
2	An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department. Yell.....	208	398 502 603	500
3	An Act to propose an amendment to Section 2, of Article IV, of the Constitution of the State of California. Caminetti.....	92	332	
4	A resolution to propose an amendment to Section 8, of Article XI, of the Constitution of the State of California, relating to the framing of a charter for cities of more than one hundred thousand inhabitants, and for cities of over ten thousand and less than one hundred thousand inhabitants. White .....	224		
5	An Act to propose an amendment to Section 7, of Article IX, of the Constitution, relating to Boards of Education and examination of teachers in incorporated cities. Gesford.....	103	263	
6	An Act to propose an amendment to the Constitution of the State of California, relating to the Judiciary Department. Clunie .....	107		
7	An Act to propose an amendment to Section 17, of Article VI, of the Constitution of the State of California, relating to salaries of the Judiciary Department. White.....	498	530	588

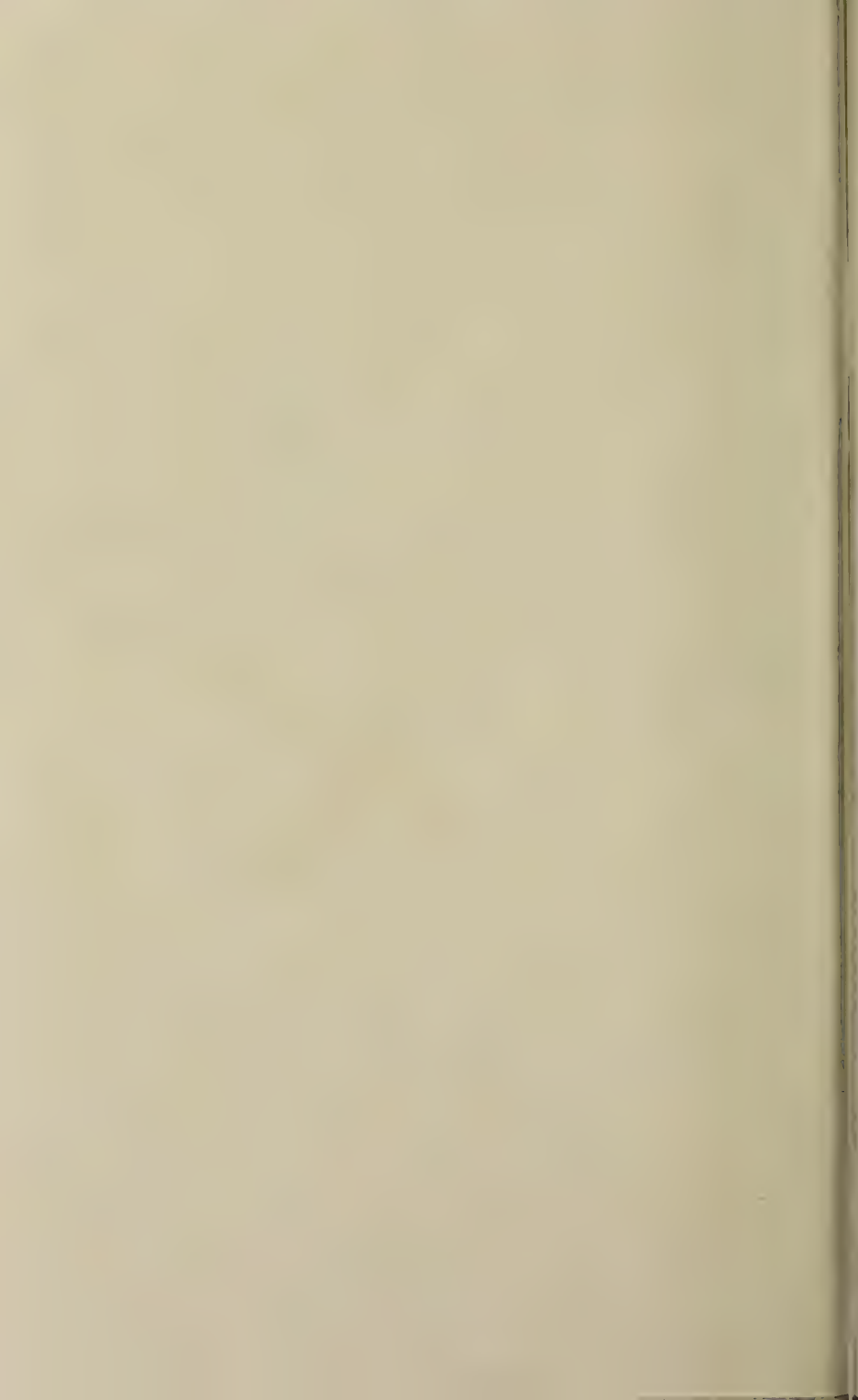
## SENATE CONCURRENT RESOLUTIONS.

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
1	Providing for the furnishing of school text-books to certain State officials therein named. Gesford .....	62	62	238
2	Relating to the restoration of ex-Governor Stoneman to the retired list of the Army of the United States. Goucher .....	63	64	67
3	Relating to the timber lands of the State. Rose .....	64		
4	Relating to the reduction of duty on raisins. Caminetti .....	95	95	175
5	Relating to the employment of John Mullan to represent the State of California in the collection of certain moneys due from the United States to this State. Vrooman .....	136		
6	Relating to the employment of John Mullan to represent the State of California in the collection of certain moneys due from the United States to this State. Wilson .....	230		
7	In behalf of Chas. M. Blake, late Chaplain of the United States Army. Murphy .....	284	543	618

## SENATE JOINT RESOLUTIONS.

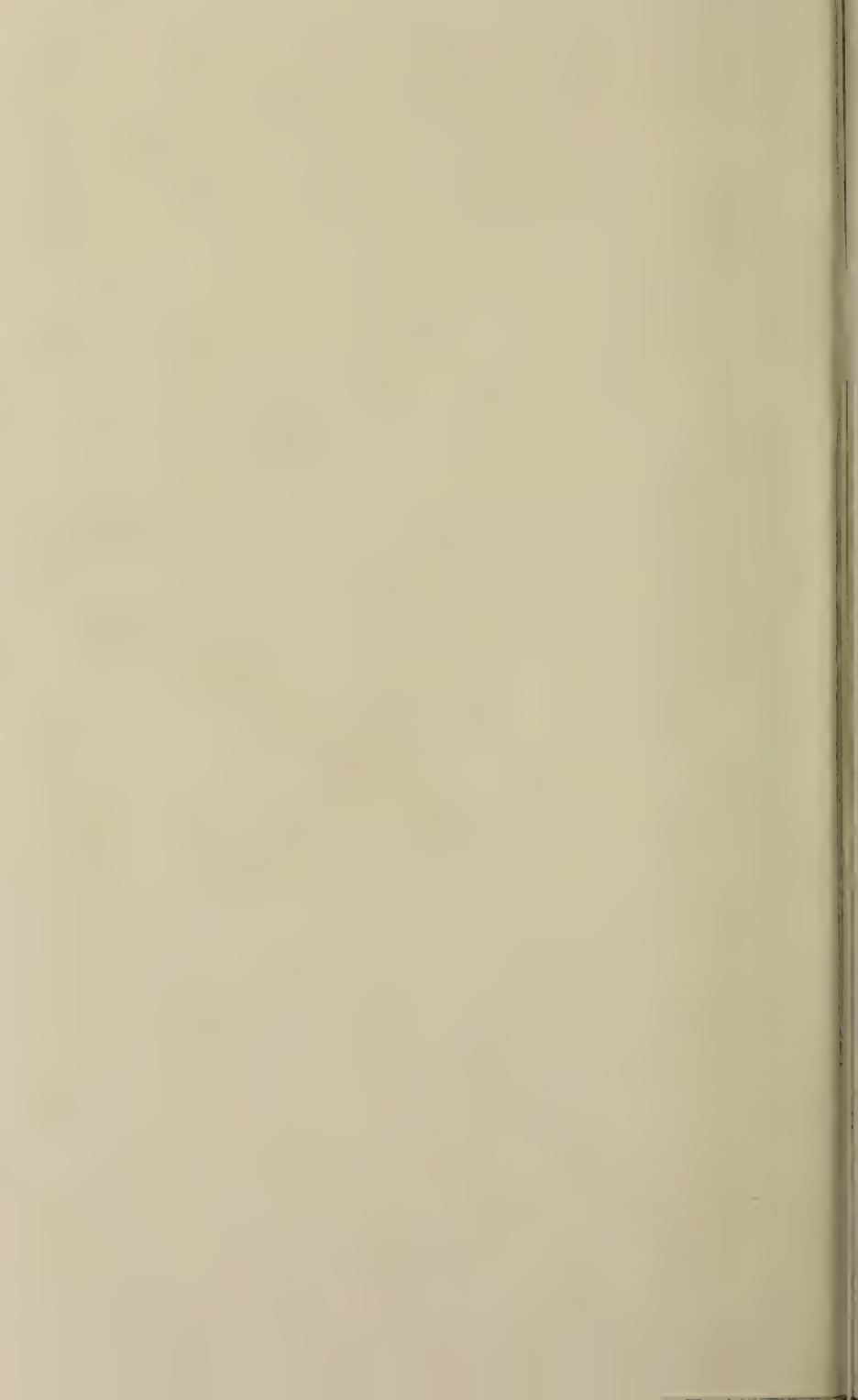
Number	TITLE.	Introduced	Passed Senate	Passed Assembly
1	Relating to national defense. Wilson .....	95		
2	Relating to the National Educational Association. Vrooman .....	354	354	618



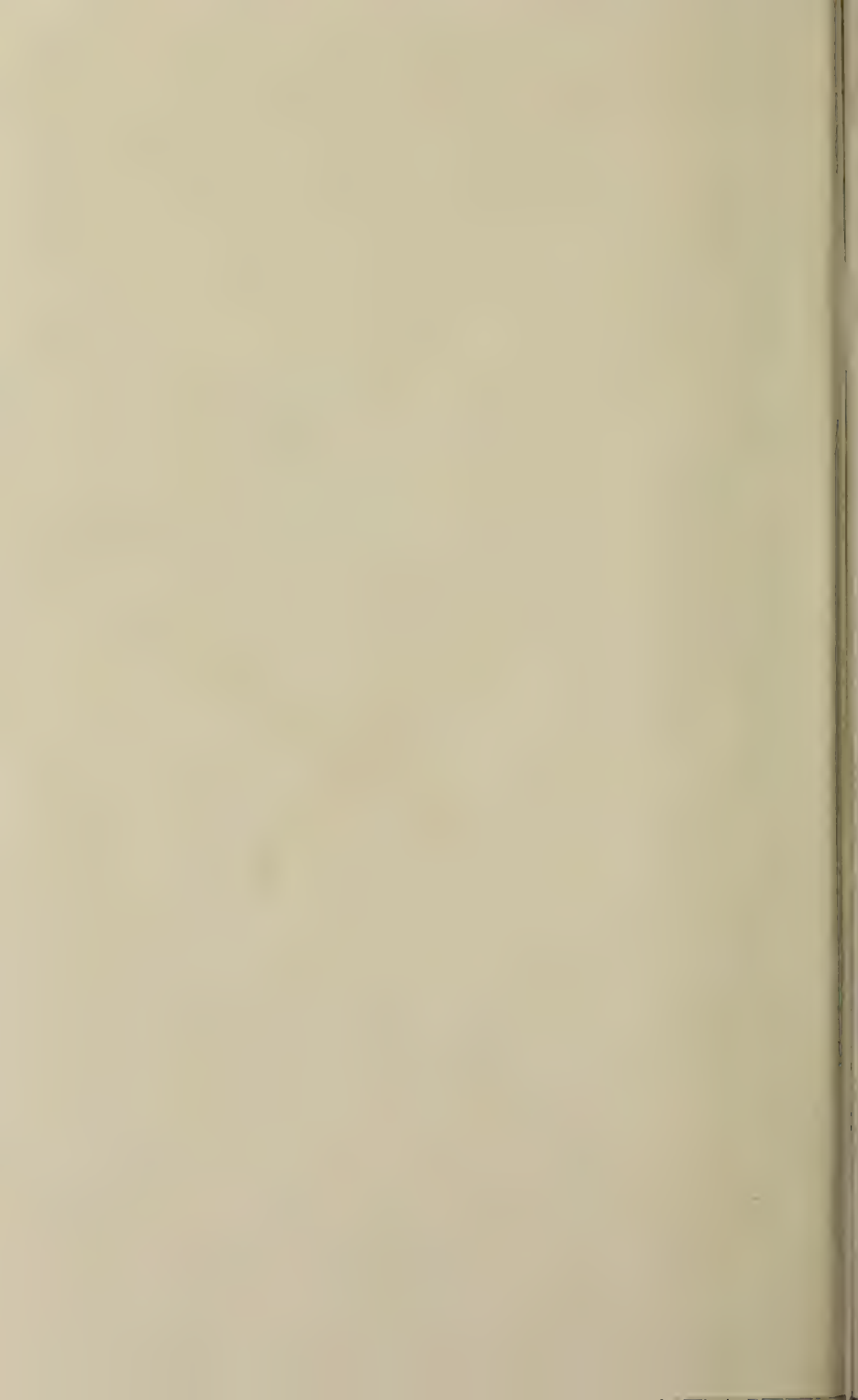




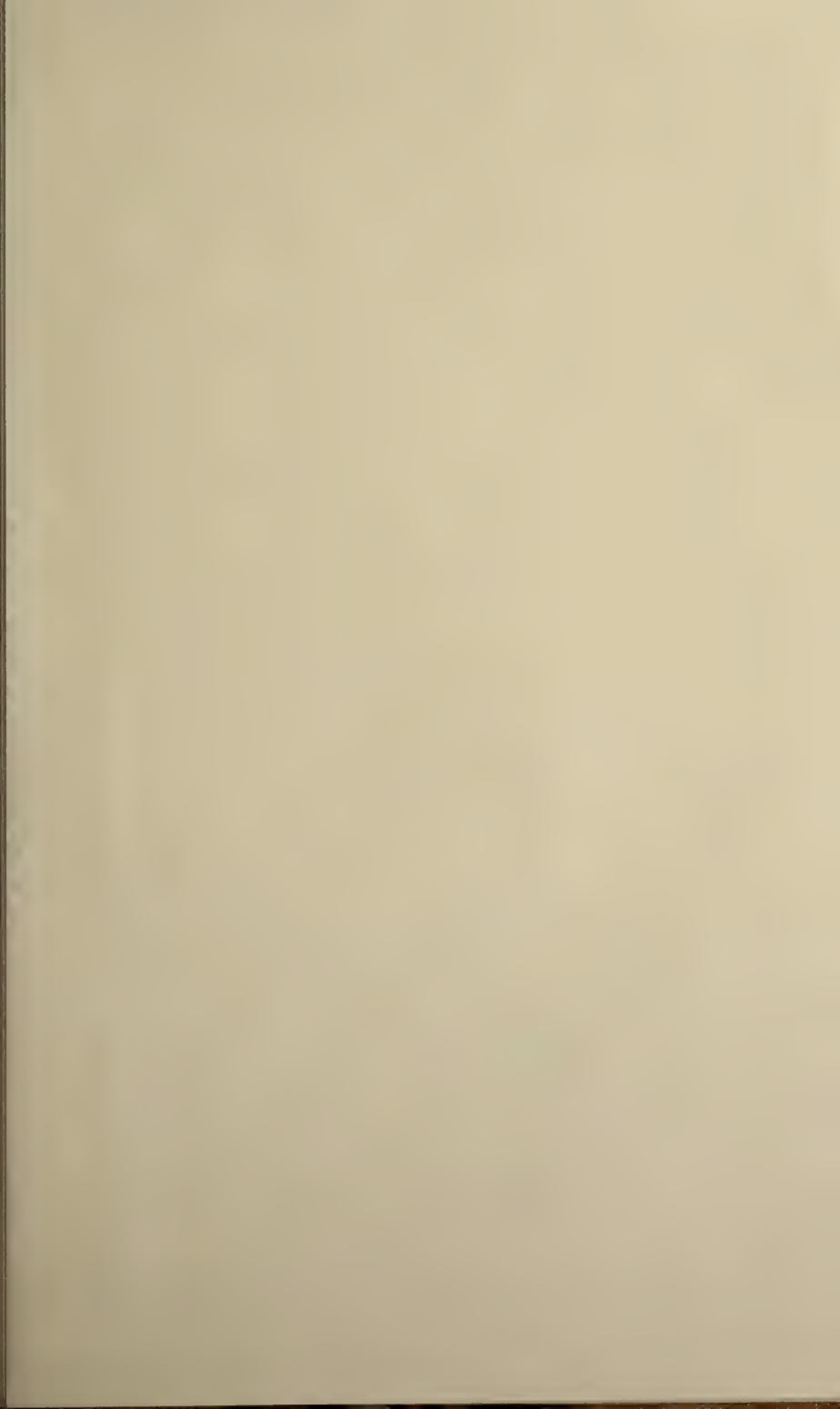


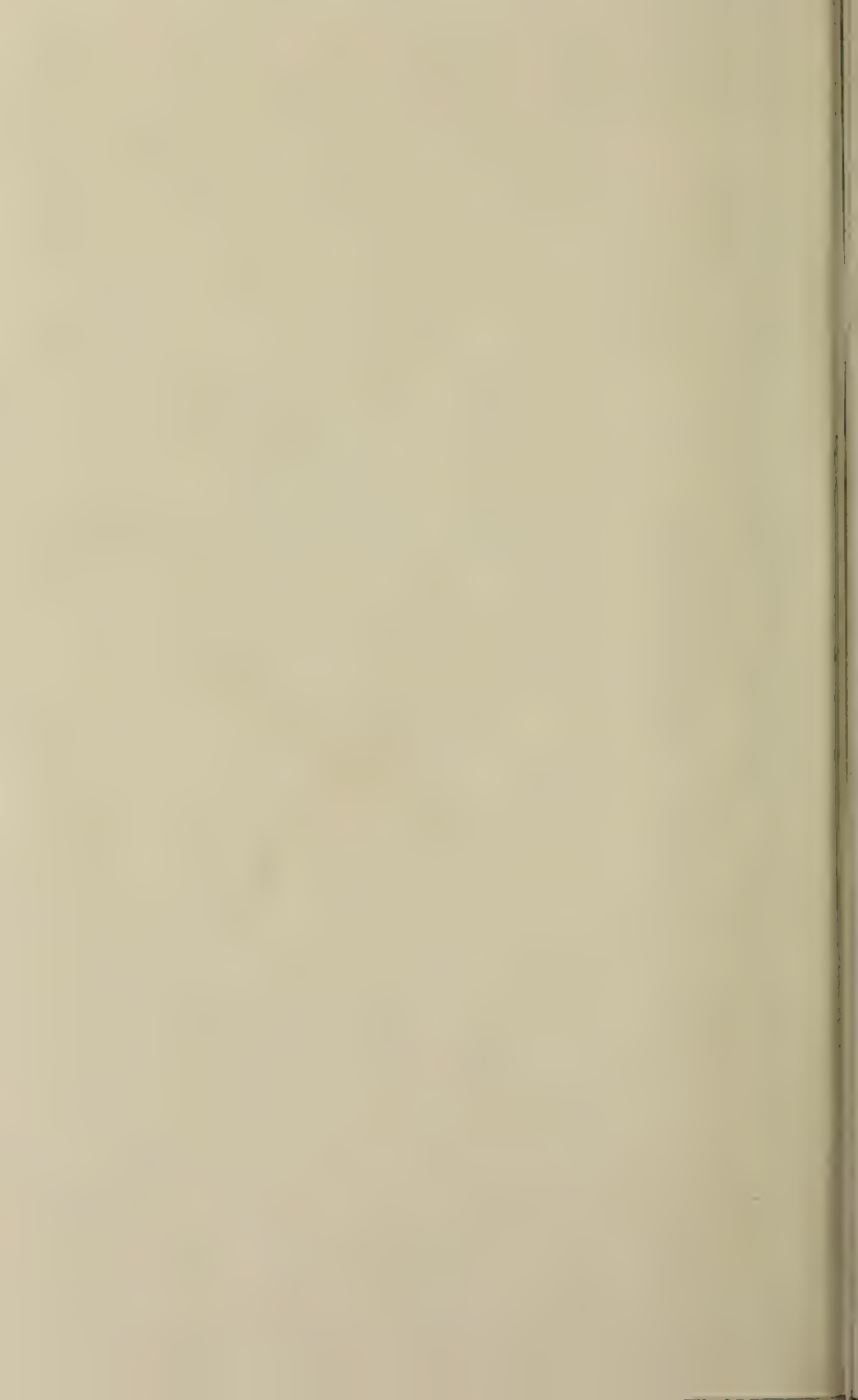


















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